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FORT LAUDERDALE CITY COMMISSION
SEPTEMBER 5, 2001**

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**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
SEPTEMBER 5, 2001**

Meeting was called to order at 6:07 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith
Commissioner Carlton B. Moore
Commissioner Cindi Hutchinson
Commissioner Gloria Katz
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Waldman

Invocation was offered by *Reverend Dr. Keith L. Riddle*, First Presbyterian Church. Mayor Naugle thanked Reverend Riddle for the First Presbyterian Church's recent donation of Bibles and other books to a congregation in Trinidad.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting July 17, 2001

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle.
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)

1. Expressions of Sympathy

Mayor Naugle read aloud and presented Expressions of Sympathy, on behalf of the City Commission, to the families of Barbara Maglietta, Nikolas Angelakos, and Harry Huizenga.

Commissioner Hutchinson read aloud and presented an Expression of Sympathy to the family of John Patrick Hall.

2. Smoke Detector Test

Commissioner Moore demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

3. Philomen Bryan House

Commissioner Hutchinson presented plaques of appreciation to the sponsors of the Philomen Bryan House painting project. She reported that the painting project had taken place on August 11, 2001, with the help of Home Depot, Amar Hardware, Duron Paint, Florida Power & Light Company, Publix, and the Atlanta Bread Company. *Ms. Joan Mikus*, Executive Director of the Fort Lauderdale Historical Society, recognized the volunteers who had assisted with the project. Commissioner Hutchinson added that the Philomen Bryan House had been nominated for placement on the National Historic Register. *Ms. Mikus* presented Commissioner Hutchinson with a token of appreciation for making this project happen, and she noted that City staff had also been very supportive.

4. Housing Authority of the City of Fort Lauderdale

Mayor Naugle explained that the Housing Authority had recently requested some help from the City in resolving the issue of the "digital divide." He explained that not everyone in the community had access to new technology, and the Housing Authority had a goal of ensuring that occupants of public housing in Fort Lauderdale had access to computers and the Internet. Mayor Naugle announced that Police Chief Brasfield and his Grants Coordinator, Mr. Bob Cooke, had found some funding for 17 computers. He presented the final computer to *Mr. Phillip Goombs*, Executive Director of the Housing Authority of the City of Fort Lauderdale.

Mr. Goombs expressed his appreciation to the City for this donation. He advised that there were almost 900 families in public housing in 9 sites, and there were 4 centers being operated to help kids with their homework. Mr. Goombs stated that these computers would be very useful. Chief Brasfield wished to thank Mr. Cooke, who had been instrumental in obtaining this and similar grants.

5. "National Breast Cancer Awareness Month"

Commissioner Katz read aloud and presented Proclamations declaring September, 2001 as "National Breast Cancer Month" in the City of Fort Lauderdale. She also presented Proclamations in observation of "National Mammography Day," and "Eckerd and Susan G. Komen Breast Cancer Foundation Free Mammography Screening Kickoff Day."

Ms. Lynn Mandeville accepted the Proclamations on behalf of the Miami/Fort Lauderdale affiliate of the Susan G. Komen Breast Cancer Foundation and Eckerd and announced the Breast Cancer Walk on September 29, 2001. She thanked the City for its support and recognition of efforts to provide potentially life-saving mammography screenings to the medically underserved women of the community.

Commissioner Hutchinson advised that her mother had survived breast cancer because of early detection, and a team was being formed in cooperation with the American Cancer Society to walk on September 29, 2001. She hoped donations would be forthcoming to support this team.

6. Outstanding City Employees of the Month

The City Manager introduced Department Directors to present the Outstanding City Employees of the Month:

- Gene Dempsey and Laura Marsh, of the Parks and Recreation Department;
- David Kennedy, Lonnie Johnson and Alfonso Love (Crew 63-27), and Jason Maloney of the Public Services Department;
- Jenni Clark, of the Community & Economic Development Department;
- Officer Dennis Kernodle, Detective Charles Morrow, PSAs Matthew Koch and Kim Robson, and Detention Officer Marie Gabriel, of the Police Department; and
- Firefighter/Paramedic Jason Goode, of the Fire-Rescue Department.

The City Manager wished to take this opportunity to also recognize outstanding Citizen Volunteer Corps members. He stated that the Commission had sent out a call to all those volunteers to join them tomorrow morning 9:00 A.M. at the Main Library for a meeting so Fort Lauderdale would receive its fair share of monies to be appropriated for the County's park and recreation land.

7. Water Restrictions

Mayor Naugle stated that Fort Lauderdale continued to face a severe water shortage despite recent rains and reminded residents to "Turn It Off!" He reported that the City had received more than 20 inches of rain over the summer, which put it only 2.5 inches bellow normal rainfall for the year. Mayor Naugle congratulated all Fort Lauderdale residents for their water conservation efforts, resulting in a 20% reduction in water consumption, and encouraged everyone to continue to be "water wise."

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Fall Carnival (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Our Lady Queen of Martyrs Church** to indemnify, protect, and hold harmless the City from any liability in connection with the **Fall Carnival** to be held **Thursday, November 8, 2001 from 6:00 p.m. to 10:00 p.m.; Friday, November 9, 2001 from 5:00 p.m. to 11:00 p.m.; Saturday, November 10, 2001 from 12:00 noon to 11:00 p.m.; and Sunday, November 11, 2001 from 12:00 noon to 10:00 p.m.**; and further authorizing the closing of S.W. 11 Court (Happy Hoyer Street) from S.W. 27 Avenue to S.W. 28 Avenue from 9:00 a.m. Monday, November 5, to 5:00 p.m. Monday, November 12, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1180 from City Manager.

Event Agreement – Beach Council/Young Professionals 5K Race (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Greater Fort Lauderdale Chamber of Commerce** to indemnify, protect, and hold harmless the City from any liability in connection with the **Beach Council/Young Professionals 5K Race** to be held **Friday, October 5, 2001 from 5:00 p.m. to 11:00 p.m.** at Birch State Park, with post-race activities taking place in front of the Parrot Lounge; and further authorizing the closing of Sunrise Lane from the north end of the Parrot Lounge at 911 Sunrise Lane to N.E. 9 Street from 12:00 noon to 12:00 midnight.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1179 from City Manager.

Event Agreement – 19th Annual Halloween Costume Contest and Party (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Roscoe, LLC d/b/a Shooters** to indemnify, protect, and hold harmless the City from any liability in connection with the **19th Annual Halloween Costume Contest and Party** to be held **Wednesday, October 31, 2001 from 6:00 p.m. to 12:00 midnight**; and further authorizing the closing of 100 yards on N.E. 32 Avenue, from the south edge of the Shooters valet/BridgeSide Place valet entrance to the south edge of the Shooters/Bootlegger property line, from 8:00 a.m. Wednesday, October 31 to 11:00 a.m. Thursday, November 1, 2001.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1359 from City Manager.

**Agreement – Pyramid Entertainment Groups of New York -
Performance by Ike Turner at the 2001 Sound Advice Blues Festival (M-4)**

A motion authorizing the proper City officials to execute an agreement with Pyramid Entertainment Groups of New York in the amount of \$17,500 for the performance by Ike Turner at the 2001 Sound Advice Blues Festival on November 2, 2001.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1235 from City Manager.

**Sponsorship Agreement – Junior League of
Greater Fort Lauderdale – Playground at Holiday Park..... (M-5)**

A motion authorizing the proper City officials to execute an agreement with the Junior League of Greater Fort Lauderdale to sponsor the playground at Holiday Park.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1174 from City Manager.

**Agreement – Peter Bernath, Inc. –
Aikido Classes at Holiday Park Activity Center (M-6)**

A motion authorizing the proper City officials to execute an agreement with Peter Bernath, Inc. from October 1, 2001 to September 30, 2003 to conduct Aikido classes at the Holiday Park Activity Center.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1323 from City Manager.

Agreement – Mark Roberts – Yoga Classes at Holiday Park Activity Center(M-7)

A motion authorizing the proper City officials to execute an agreement with Mark Roberts from October 1, 2001 to September 30, 2003 to conduct Yoga classes at the Holiday Park Activity Center.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1322 from City Manager.

**Agreement – Broward County R. C. Race Club, Inc. –
Radio Operated Auto Racing at Mills Pond Park (M-8)**

A motion authorizing the proper City officials to execute a one-year agreement with Broward County R. C. Race Club, Inc. to conduct radio-operated auto racing at Mills Pond Park.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1247 from City Manager.

**Agreement – Gold Coast Ski Club –
Water-Skiing Activities at Mills Pond Park (M-9)**

A motion authorizing the proper City officials to execute a one-year agreement with the Gold Coast Ski Club, Inc. to conduct water-skiing activities at Mills Pond Park.

Recommend: Motion to approve.

Exhibit: Memo No. 01-921 from City Manager.

FY 2000/2001 Budget Amendment (M-10)

A motion approving the amendment to the FY 2000/2001 budget to reflect increased expenditures.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1249 from City Manager.

**Agreement – First United Methodist Church of
Fort Lauderdale, Inc. – Enforcement of Church Parking Lot (M-11)**

A motion authorizing the proper City officials to execute an agreement with First United Methodist Church of Fort Lauderdale, Inc. for the City to meter and enforce the Church's parking lot and share in the resulting revenues.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1169 from City Manager.

Disbursement of Funds – O. R. No. 99-74379 - \$1,235.27 U. S. Currency (M-12)

A motion authorizing the equitable disbursement of funds, with each of the 16 participating agencies to receive \$77.20.

Recommend: Motion to approve.

Exhibit: Memo No. 01-8-8 from City Attorney.

**Contract Award – Siga, Inc. – Projects 10201,
10208 and 10204 – The Landings, Riviera Isles and
Laudergate Isles Neighborhood Capital Improvement Projects (NCIP) (M-13)**

A motion authorizing the proper City officials to execute an agreement with Siga, Inc. in the amount of \$46, 058 for the following three NCIP projects: The Landings flag pole and electrical light system project; Riviera Isles electrical gate arm and landscaping project; and Laudergate Isles electric gate arm and brick paver project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1170 from City Manager.

**Amendment to Florida Submerged Land Lease – Board of Trustees
of the Florida Internal Improvement Trust Fund – Las Olas Municipal Marina(M-14)**

A motion authorizing the proper City officials to execute a lease amendment to the sovereign submerged lands with the Board of Trustees of the Florida Internal Improvement Trust Fund for the Las Olas Municipal Marina.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1300 from City Manager.

**Dockage Use Agreement – Marine Industries Association of
South Florida, Inc. (MIA) and Yachting Promotions, Inc. –
Use of Las Olas Municipal Marina for the 2001
Fort Lauderdale International Boat Show (M-15)**

A motion authorizing the proper City officials to execute a dockage use agreement with the Marine Industries Association of South Florida, Inc. and Yachting Promotions, Inc. for use of the Las Olas Municipal Marina in connection with the 2001 Fort Lauderdale International Boat Show.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1173 from City Manager.

Dock Lease Agreement – Searock, Inc. d/b/a Allied Marine Group (M-16)

A motion authorizing the proper City officials to execute a lease agreement with Searock, Inc. d/b/a Allied Marine Group for 650 lineal feet of dockage on the New River (slip numbers 1-6 and 7-14) for a term of October 1, 2001 through September 30, 2002.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1167 from City Manager.

Acceptance of Counteroffer – Housing Authority of the City of Fort Lauderdale – Purchase of Lakeview Gardens Apartments (M-17)

A motion authorizing acceptance of a counteroffer by the Housing Authority of the City of Fort Lauderdale on the proposed purchase of the Lakeview Gardens Apartments and further authorizing execution of an agreement for the purchase and sale of Lakeview Gardens Apartments with a closing date eighteen (18) months from the effective date of the agreement and an “escape clause,” which expires eight (8) months after the effective date.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1306 from City Manager.

Task Order – Keith and Schnars (Professional General/Civil Engineering Consultant Services) - Project 10253 – Holiday Park Gymnasium Air Conditioning System (M-18)

A motion authorizing the proper City officials to execute Task Order with Keith and Schnars in the amount of \$39,720 for architectural, structural, and electrical design services for the installation of an air conditioning system at the Holiday Park Gymnasium.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 01-1272 from City Manager.

Transfer from Law Enforcement Trust Fund (LETf) – Cash Match for the FY 1997 Local Law Enforcement Block Grant (M-19)

A motion authorizing the transfer of \$5,495.50 from LETf 104 to the grant account Fund 129, Miscellaneous Grants (GLLEBG9) effective September 9, 2001, the pay for the remainder of the cash match due for the FY 1997 Local Law Enforcement Block Grant program.

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 01-1135 from City Manager.

**Grant Acceptance – Florida Department of Law Enforcement (FDLE) –
FY 2001/2002 Parents and Children Coming Together (PACT) Program (M-20)**

A motion authorizing the proper City officials to accept grant funds from FDLE in the amount of \$44,242 for the PACT Program effective October 1, 2001; and further authorizing the proper City officials to execute all documents necessary to accept such grant funds.

Funds: Total project cost \$58,989 as follows (\$44,242 from FDLE and \$14,747 cash match from Broward County United Hearing and Deaf Services, Inc.).

Recommend: Motion to approve.

Exhibit: Memo No. 01-1140 from City Manager.

**Grant Acceptance and Transfer from Law Enforcement
Trust Fund (LETf) - Florida Department of Law
Enforcement (FDLE) – “Club Drug” Project (M-21)**

A motion authorizing the proper City officials to accept grant funds from FDLE in the amount of \$75,000 from FDLE in support of the “Club Drug” project; further authorizing the proper City officials to execute all documents necessary to accept such grant funds; and further authorizing the transfer of \$25,000 from LETF 107 to Fund 129, Miscellaneous Grants, to be used as a cash match.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1139 from City Manager.

**Grant Acceptance and Transfer from Law Enforcement
Trust Fund (LETf) - Florida Department of Community Affairs
(DCA) - FY 2001/2002 Friends and Families Program; and Agreements
with Mount Olive Baptist Church and Fourth Avenue Church of God (M-22)**

A motion authorizing the proper City officials to accept grant funds from DCA in the amount of \$67,500 in support of the FY 2001/2002 Friends and Families Program; authorizing the proper City officials to execute all documents necessary to accept such grant funds; authorizing the transfer of \$30,000 from LETF 04 to Fund 129, Miscellaneous Grants, to be used as a cash match; and further authorizing the proper City officials to execute agreements with the Mount Olive Baptist Church and Fourth Avenue Church of God to implement and operate such program.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1136 from City Manager.

Grant Acceptance – Florida Department of Transportation (FDOT) Federal Highway Safety Funding – Aggressive Driving Prevention Program (M-23)

A motion authorizing the proper City officials to accept grant funds from FDOT Federal Highway Safety Funding Grant in the amount of \$58,875 in support of the Aggressive Driving Prevention Program; and further authorizing the proper City officials to execute all documents necessary to accept and expend such funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1222 from City Manager.

Grant Acceptance – Florida Department of Children and Families (DCF) – Refugee Services Office Grant (M-24)

A motion authorizing the proper City officials to accept grant funds from DCF in the amount of \$276,919 in support of the Refugee Services Office Grant; and further authorizing the proper City officials to execute all documents necessary to accept and expend such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1142 from City Manager.

Grant Acceptance – Florida Motor Vehicle Theft Authority – FY 2001/2002 Police Officer Auto Theft Training Program (POATTP) (M-25)

A motion authorizing the proper City officials to accept grant funds from the Florida Motor Vehicle Theft Authority in the amount of \$5,400 in support of the POATTP; and further authorizing the proper City officials to execute all documents necessary to accept and expend such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1231 from City Manager.

**Grant Acceptance – Florida Motor Vehicle Theft Authority –
FY 2001/2002 Tactical Auto Theft Unit (Project TATTOO) (M-26)**

A motion authorizing the proper City officials to accept grant funds from the Florida Motor Vehicle Theft Authority in the amount of \$68,432 in support of Project TATTOO; and further authorizing the proper City officials to execute all documents necessary to accept and expend such grant funds.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1230 from City Manager.

**Grant Acceptance; Interagency Agreements - Mount Olive Baptist Church
and Fourth Avenue Church of God; and Transfer from Law Enforcement
Trust Fund (LEFT) – Florida Department of Law Enforcement (FDLE) –
FY 2001/2002 Youth Motivation Program an Alternative to Suspension (YMP) (M-27)**

A motion authorizing the proper City officials to accept grant funds from FDLE in the amount of \$28,000 in support of the YMP Program; further authorizing the proper City officials to execute all documents necessary to accept and expend such grant funds; further authorizing the transfer of \$60,000 from LETF Fund 07 to Fund 129 effective October 1, 2001; and further authorizing the proper City officials to execute interagency agreements with Mount Olive Baptist Church and Fourth Avenue Church of God.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1138 from City Manager.

**Sixth Amendment to the Interlocal Agreement –
Broward County - Resource Recovery Board – Solid Waste Disposal Services (M-28)**

A motion authorizing the proper City officials to execute the sixth amendment to the interlocal agreement with Broward County for solid waste disposal services.

Recommend: Motion to approve.

Exhibit: Memo No. 01-952 from City Manager.

**Task Order No. 01-11 – Hazen and Sawyer – Project 9918 -
Consumptive Use Permit Compliance Saltwater Intrusion Monitoring Network(M-29)**

A motion authorizing the proper City officials to execute Task Order No. 01-11 with Hazen and Sawyer in the amount of \$155,500 for the development and implementation of a Saline Intrusion Monitoring Program (SALT).

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1316 from City Manager.

**Task Order – Carr Smith Corradino –
Project 10222 – City Park Garage Rehabilitation (M-30)**

A motion authorizing the proper City officials to execute a task order with Carr Smith Corradino in the amount of \$23,428.96 for the City Park Garage rehabilitation.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1271 from City Manager.

**Task Order – CH2M Hill – Project 10171 –
S.W. 4 Avenue Forcemain Directional Drill (M-31)**

A motion authorizing the proper City officials to execute a task order with CH2M Hill in the amount of \$94,200 for the design and construction of the S.W. 4 Avenue forcemain directional drill.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 01-1303 from City Manager.

**Authorization to Negotiate with Top Ranked Firm –
CH2M Hill – Project 10365 – Professional Program Management
Services – Water and Wastewater Master Plan (M-32)**

A motion approving the Committee's ranking and authorizing the proper City officials to commence contract negotiations with the top ranked firm, CH2M Hill, for professional program management services for the Water and Wastewater Master Plan capital improvement plan.

Recommend: Motion to approve.

Exhibit: Memo No. 01-1290 from City Manager.

**Change Order No. 1 – Majestic Group Enterprises, Inc. –
Project 10168 – Lauderdale Manors Swale Improvements, Phase II (M-33)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Majestic Group Enterprises, Inc. in the amount of \$10,440 for construction of sidewalks in connection with the Lauderdale Manors Swale Improvements, Phase II project.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 01-1267 from City Manager.

**Change Order No. 4 – Man-Con, Inc. – Project 10335 -
Reconstruction of Sanitary Sewer Lateral at 5300 N.W. 12 Avenue (M-34)**

A motion authorizing the proper City officials to execute Change Order No. 4 with Man-Con, Inc. in the amount of \$17,639.03 for reconstruction of a sanitary sewer lateral located at 5300 N.W. 12 Avenue under the annual contract for sanitary and storm sewer repairs.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 01-1070 from City Manager.

**Change Order No. 1 – Subaqueous Services, Inc. –
Project 10118 – Navigational Dredging of the North Fork New River (M-35)**

A motion authorizing the proper City officials to execute Change Order No. 1 with Subaqueous Services, Inc. in the amount of \$167,000 for additional work related to the dredging of the North Fork New River.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 01-1277 from City Manager.

**Change Order No. 2 –
Omega Contracting, Inc. – Project 10046 – Harbor Inlet Neighborhood (M-36)**

A motion authorizing the proper City officials to execute Change Order No. 2 with Omega Contracting, Inc. in the amount of \$83,887.55 for additional work in the Harbor Inlet neighborhood.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 01-1279 from City Manager.

**Installation of Speed Humps –
N.E. 22 Avenue, S.E. 10 Avenue and N.E. 60 Street (M-37)**

A motion authorizing the installation of speed humps as follows: N.E. 22 Avenue (N.E. 56 Street to Imperial Point Drive); S.E. 10 Avenue (S.E. 15 Street to S.E. 12 Street); and N.E. 60 Street (N.E. 15 Avenue to N.E. 18 Avenue).

Recommend: Motion to approve.
Exhibit: Memo No. 01-1335 from City Manager.

**Broward County –
Homeless Assistance Center (North Site) – Extension of Completion Date (M-38)**

A motion approving the extension of the completion date for the deadline of the opening of the North Site Homeless Assistance Center to August 1, 2002; and further recommending a daily penalty of \$3,000 be assessed against Broward County for delays beyond the proposed extended deadline.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1178 from City Manager.

Lease Agreement – Ocean Bistro, Inc. – Birch Road/Alhambra Parking Lot (M-39)

A motion authorizing the proper City officials to execute a lease agreement with Ocean Bistro, Inc. for use of the Birch Road/Alhambra Parking Lot.

Recommend: Motion to approve.
Exhibit: Memo No. 01-1268 from City Manager.

PURCHASING AGENDA

Bid 762-7421 – Contract Amendment, 16 Sanitation Refuse Vehicles (Pur-1)

Contract amendment to existing contract to add sixteen sanitation refuse vehicles is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidders:	First Vehicle Services, Inc. Fort Lauderdale, FL
Amount:	\$ 511,675.00 (2/1/02 – 1/31/03) \$ 42,640.00/month (2/1/03 – 9/30/03)
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 01-1192 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the contract amendment.

Bid 312-8527 – Replace Car/Van/Light Truck Drive-Thru Wash (Pur-2)

An agreement to purchase and install a replacement car/van/light truck drive-thru wash machine is being presented for approval by the Administrative Services, Fleet Services Division.

Low Responsible Bidder: Wash Plus, Inc.
Amount: \$ 32,950.00
Bids Solicited/Rec'd: 20/4
Exhibits: Memorandum No. 01-1246 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidder.

Bid 512-8493/State – Helpdesk Software, Maintenance and Support (Pur-3)

An agreement to purchase helpdesk software system, licenses, extended maintenance, support and related hardware is being presented for approval by the Administrative Services, Information Technology Division.

Low Responsible Bidder: DKSystems, Inc.
Chicago, IL
Amount: \$ 67,160.00
12,514.00 (other vendors)
\$ 79,674.00 (estimated)
Bids Solicited/Rec'd: 17/9 with 8 no bids
Exhibits: Memorandum No. 01-1217 from City Manager

The Purchasing Division recommends award from the lowest responsive and responsible bidder and Florida State Contract with a transfer of \$ 22,160 from Police Project P00456.326 to Computer Software (ADM020201-6405).

RFP 512-8498 – State Legislative Lobbyist Services (Pur-4)

A two-year contract for state legislative lobbyist services is being presented for approval by the City Manager's Office.

Low Responsible Bidder: Skelding & Cox
Tallahassee, FL
Amount: \$ 55,000.00
Bids Solicited/Rec'd: 85/6
Exhibits: Memorandum No. 01-1292 from City Manager

The Purchasing Division recommends award to the first ranked proposer.

Bid 762-7421 – Streetlight Fixtures (Pur-5)

An agreement to purchase streetlight fixtures is being presented for approval by the Administrative Services, Central Stores Division.

Low Responsible Bidders: Torres Electrical Supply (MBE)
 Stuart, FL
Amount: \$ 25,965.00
Bids Solicited/Rec'd: 19/7 with 1 no bid
Exhibits: Memorandum No. 01-1313 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidder.

Bid 772-7710 – Renew Grants Management Services (Pur-6)

One-year contract renewal for Grants Management Services is being presented for approval by the Parks & Recreation Department.

Low Responsible Bidders: Stan A. Hemphill
 Plantation, FL
Amount: \$ 70,000.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-1176 from City Manager

The Purchasing Division recommends renewal of contract.

Bid 412-8528 – Two-Year Contract, Wellfield Mowing Services (Pur-7)

Two-year contract for wellfield mowing services is being presented for approval by the Parks & Recreation Department.

Low Responsible Bidders: R.S. Young
 Pompano Beach, FL
Amount: \$ 56,880.00
Bids Solicited/Rec'd: 31/9 with 4 no bids
Exhibits: Memorandum No. 01-1309 from City Manager

The Purchasing Division recommends award to the lowest responsive and responsible bidder.

Bid 492-8139 – Contract Extension, Boat Maintenance (Pur-8)

A one-year contract extension to provide boat maintenance is being presented for approval by the Police Department.

Low Responsible Bidders: Joel's Outboard Service, Inc.
Fort Lauderdale, FL
Amount: \$ Per Unit Pricing
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-1165 from City Manager

The Purchasing Division recommends the contract extension.

Proprietary – Maintenance, Gas Chromatographs & Mass Spectrometer (Pur-9)

One year annual maintenance contract for two Varian gas chromatographs and one Varian mass spectrometer is being presented for approval by the Public Services Department.

Low Responsible Bidders: Varian, Inc.
Walnut Creek, CA
Amount: \$ 10,670.40
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-1265 from City Manager

The Purchasing Division reviewed this item and supports the recommendation to approve the proprietary purchase.

Bid 682-7910 – Increase Encumbrance for Anhydrous Ammonia (Pur-10)

A change order to increase encumbrance for anhydrous ammonia is being presented for approval by the Public Services Department

Low Responsible Bidder: Tanner Industries, Inc.
Southampton, PA
Amount: \$ 4,811.88
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 01-1264 from City Manager

The Purchasing Division recommends change order approval.

Repair of Effluent Pump No. 5 (Pur-11)

The repair of Effluent Pump No. 5 is being presented for approval by the Public Services Department.

Low Responsible Bidder:	FGM Electric Hollywood, FL
Amount:	\$ 13,879.00
Bids Solicited/Rec'd:	N/A
Exhibits:	Memorandum No. 01-1185 from City Manager

The Purchasing Division recommends to approve award as presented.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item Nos. M-4, M-9, M-10, M-16, M-17, M-24, M-37, M-38, Pur. 1, Pur. 2, Pur. 4, Pur. 6 be deleted from the Consent Agenda and discussed separately, and that the remaining Consent Agenda items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Agreement – Pyramid Entertainment Groups of New York – Performances by Ike Turner at the 2001 Sound Advice Blues Festival (M-4)

Commissioner Hutchinson said there had been a lot of discussion about Mr. Turner's past at her district meeting last night. She had not expected it to come up, but it had. Commissioner Smith agreed that if Mr. Turner was still involved in certain behaviors, he did not want him in Fort Lauderdale either. Mr. Ernest Burkeen, Recreation Director, believed the incidents had occurred 30 years ago, and he had been rehabilitated and was back on tour.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-4 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Moore. NAYS: Mayor Naugle.

Agreement – Gold Coast Ski Club – Water Skiing Activities at Mills Pond Park (M-9)

Commissioner Hutchinson understood people had to join the Ski Club in order to ski at Mills Pond Park. Mr. Steve Person, Recreation Superintendent, agreed that was the case. Commissioner Katz said she had inquired in this regard and had been given different information. She had been told this would be open to the public, and this agreement did not give the Ski Club exclusive use.

Mr. Person stated that people had to join the Club, but it was an advantage for the City because only one boat could operate at a time, and it had to be a particular type of boat to make the turns. Therefore, the Ski Club served to control and patrol the activities on this small body of water. Commissioner Katz had spoken with the City Attorney, and he had indicated that the public could ski in this location and should not have to pay to do it.

The City Attorney said that he had double-checked with his staff, and he believed it had been made clear that there would be a new operating procedure developed. He said it had been expressly stated to him that this would be non-exclusive, so Parks & Recreation Department staff would have to determine a reasonable way to administer the usage of the lake because there was no requirement to join the Ski Club in order to use the facility.

Motion made by Commissioner Moore and seconded by Commissioner Smith to defer this item to September 20, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Fiscal Year 2000/2001 Budget Amendment (M-10)

Commissioner Katz referred to the Fire-Rescue Department budget. She understood \$400,000 was being requested, and \$125,000 was included for "other." She wondered what that meant. Fire Chief Otis Latin stated that item involved the billing for medical transport revenues. He explained that the City paid the billing agent 6% for collection, which had not been rolled into the budget last year.

Commissioner Katz inquired about the \$425,000 for self-insurance needs in the Administrative Services Department budget. Mr. Terry Sharp, Assistant Director of Finance, stated that expenses in the current year had been greater than anticipated when the budget had been adopted last year. He explained that this amendment indicated how much of an increase in the authorized spending level was necessary, but it did not reflect the absolute costs. Mr. Sharp believed the City was on the right track in terms of self-insured health costs, and he expected costs to be minimize in the future with the action taken as to the North Broward Hospital District. He thought the future looked better than the first 12 months of operation, but he would keep a close eye on it.

Commissioner Moore was also concerned about health insurance. He recalled a request about insuring a certain amount of risk and asked if this appropriation addressed that issue. Mr. Sharp replied that this amendment would cover costs associated with excess insurance in play this year, on a per claim basis, so this did reflect some of that cost. Commissioner Moore hoped everyone had seen today's newspaper article about the soaring cost of health insurance. He noted that the industry was dealing with double digit increases, and he expected the next two years to be very difficult, although he agreed the self-funded plan was the right direction to take. Commissioner Moore agreed with Commissioner Katz that this would have to be carefully watched.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-10 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Dock Lease Agreement – Searock, Inc. d/b/a Allied Marine Group (M-16)

Commissioner Smith asked if this issue had gone to the Marine Advisory Board. Mr. Jamie Hart, Supervisor of Marine Facilities, replied it had not because that Board's meeting had been rescheduled to next week. Commissioner Smith said some concerns had been raised at his district meeting with regard to the price for these docks. He understood Mr. Hart felt the facility was somewhat substandard, but a member of the Board had been present and disagreed. Commissioner Smith preferred to defer this item until the Board could consider the issue.

Mr. Hart did not think a delay would cause any harm, but there had been an understanding that the rent would not increase more than the CPI because it was not a very good facility, and it was not in the best location. He pointed out that Allied Marine rented a bulk amount of dock space that the City could not otherwise rent.

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer this item to September 20, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Acceptance of Counteroffer – Housing Authority of the
City of Fort Lauderdale – Purchase of Lakeview Gardens Apartments (M-17)**

Commissioner Katz was concerned because the economy was a little flat, and there could be problems ahead for whatever developer was selected. It had been suggested to her that the purchase agreement be tied to the contract with Konover and that the “clock should not be started” until there was a contract with the developer. She pointed out that a lot could happen over the next 18 months.

Commissioner Moore wanted to hear what impact this would have. Mayor Naugle thought there was a real possibility that something could happen and the project could not be concluded, but he did not think there was any other way to complete the purchase. He pointed out that the Housing Authority could not wait 18 months because they either had to sell or make repairs to the property. Mayor Naugle felt this was a valuable property, and it was even more valuable in combination with the other property, and he believed it was an asset that would hold its value.

Commissioner Moore felt it was important to move swiftly because of the economy, and he felt 18 months was too long until the closing. Mr. Phil Bacon, Redevelopment Projects Manager, stated that the Housing Authority felt it would need more time for relocation of the current residents. He noted that the proposed closing date should have read “up to 18 months.” He advised that the original agreement called for the “escape clause” to expire after 8 months, but the Housing Authority felt at least 10 months would be needed.

Commissioner Moore thought that if this development were to take place, everyone would have to feel it would, in fact, take place. If the Housing Authority was going to be the only provider of the replacement housing, it should consider borrowing some money because nothing would stop the City from acquiring the Lakeview Apartments. He wanted the Housing Authority to be motivated and start relocating the tenants as quickly as possible.

Mr. Phillip Goombs, Executive Director of the Housing Authority, said that if the escape clause were removed from the contract, there would be no issue. However, this was a legally binding document so the City could back out of the deal within 8 months. Commissioner Moore pointed out that the Commission had decided to make this acquisition, so he wondered why the escape clause had been included. Mr. Pete Witschen, Assistant City Manager, said that the escape clause had been contained in the agreement approved by the Commission in case the deal could not close. However, he agreed that this acquisition was critical to redevelopment of the area. Mr. Witschen asked if the Commission would like to propose a different time frame, perhaps the Housing Authority could live with 3 months rather than 6 months. Commissioner Moore saw no reason for the escape clause. He pointed out that the property was in poor condition, and this acquisition was critical, so he suggested the escape clause be removed from the agreement altogether.

Commissioner Smith asked where the funds for the acquisition were coming from, and Mr. Witschen replied that the money would come from the development proceeds. Commissioner Smith understood that if the development deal fell apart, the City would still be contractually obligated to pay for it. In that case, he wondered where the money would come from, and Mr. Witschen said the first purchase had been financed with retained earnings and was booked as an asset, but he would have to check with the Director of Finance. Commissioner Smith said this was his only concern because if the development fell through, the City would have to land bank the property at \$3 million, and there were lots of needs that could be addressed with \$3 million. Therefore, Commissioner Smith felt it would be prudent to have an escape clause.

Mayor Naugle thought the \$3 million could be taken from the investment account. He pointed out that money was invested in other instruments, and it could be invested in real estate. Commissioner Smith wondered if that amount could be withdrawn from the investment account without penalties.

Mr. Damon Adams, Director of Finance, stated that this was being handled the same way as the Konover property purchase. He explained that there was about \$150 million invested, so the \$3 million would just be taken out of one type of investment and put it into another called land inventory, with the hope that it could be sold in the future at a higher price than that paid. Commissioner Moore supported this concept, particularly having visited the existing units, because he did not want anyone to live in these conditions. He felt the escape clause should be removed.

The City Attorney stated that when the escape clause period was changed, if it was changed, the Housing Authority could unilaterally exercise the maximum 18 months to close. He explained that if the Commission wished to give a shorter time frame within which to close, that should also be part of any motion. Commissioner Moore said that was his desire. Mr. Bob Dunckel, Assistant City Attorney, asked if 12 months was preferable. Commissioner Moore wondered why so much time would be necessary. Mr. Goombs stated that he had applied to HUD for a disposition of Lakeview, but that would take up to 100 days. He had also applied for vouchers for the families, and HUD was awaiting the letter approving the sale. He explained that he had no control over those events, and the City would be negotiating a development agreement. Mr. Goombs said that once those events were completed, the closing could go forward. She expected those things would be done by the end of the year, and then the relocations would take place so the property was vacant at closing, which would take another 3 months. In total, he believed the process would take 7 to 12 months as long as new construction was not necessary for the relocations.

Commissioner Smith wondered if there were adequate resources to address the needs of the families without the need for new construction. Mr. Goombs believed some of the families would be moving into the private market, and he did not want them to move out of the City. He was not sure if there was a suitable supply of units in the private market, but it would be hard to move everyone out in 3 months.

Commissioner Katz did not understand why this contract could not be tied in with the developer so the City was not left “hanging in the wind.” Mr. Goombs did not think a property the City did not own yet could be tied in with an agreement. Mr. Witschen said the intention of the original option had been tied to the development agreement, and it was anticipated that a development agreement could be negotiated 6 months after the Commission acted affirmatively. In the event things did not go as planned, the escape clause had been included to provide \$100,000 for the costs and inconvenience to the Housing Authority. He stated that the intent had been to use the developer’s money to close, and to provide assurance of some type of development agreement. Mr. Witschen said that was the package the Commission had approved at its last meeting. However, it was the Commission’s direction to go forward without that contingency, it could be done.

Commissioner Moore recalled that in the past, an 8-month window had been discussed, but now that seemed to have turned into 18 months. He was concerned that 10 months, or at least 6 months, had been added to this process. Commissioner Moore did not want to see that happen, and he would not object to leaving the escape clause with the 8-month window on the table. He wanted everything to happen within 12 months of September 11, 2001. Commissioner Moore thought that would make everyone comfortable.

Mayor Naugle understood the Housing Authority could not start relocations until it knew whether or not the sale would close. Mr. Witschen said that the Housing Authority Board had been concerned about the 8-month window because the City could basically pay \$100,000 to escape the deal, but it only allowed about 4 months for the relocation because there would not be a sufficient income stream for the replacement housing. He noted that there could be other ways to meet the Commission’s goals. Commissioner Moore thought 4 months would be acceptable.

Mr. Witschen thought it might be overly optimistic to expect a development agreement could be negotiated within 4 months. He believed the process would be substantially along, but he did not think closing could take place that quickly. In fact, he thought 6 months would be “pushing it.” Mayor Naugle felt that in order to close, it might become necessary to use some investment funds on a short-term basis, and he thought that would be appropriate. Mr. Witschen agreed that was something the Commission could consider shortly before the “go hard” date of the agreement.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve Consent Agenda Item No. M-17 with a 4-month escape clause and 12 months to complete the process of making the property available for development. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Grant Acceptance – Florida Department of Children and Families (DCF) – Refugee Services Office Grant (M-24)

Commissioner Smith said he had pulled this item only because he had been so impressed with this effort, and he wanted Mr. Cooke to address this grant. He understood it involved a \$300,000 grant from the State with no cash match on the part of the City, in order to assist Haitian refugees transition into the American way of life. Mr. Cooke explained that the DCF had invited Fort Lauderdale to apply for this grant, and the City was fortunate to receive it because a Haitian liaison had already established through the Community Services Division of the Police Department.

Mr. Cooke stated that this grant would provide counseling and programs, and a Creole-speaking schoolteacher would be hired to work from the 4th Avenue Church of God in the Youth Motivation Program. Mr. Cooke advised that was about 70% of the participants, and the language problem presented difficulties. In addition, the grant would establish some after-school programs at Mount Olive and the 4th Avenue Church of God to focus on students who were behind in their schoolwork. Mr. Cooke noted that legal services would be provided along with a lot of other programs that were already in place.

Commissioner Smith commended Mr. Cooke on obtaining this grant. Commissioner Moore thought this was a great job of mixing community-based organizations with existing program to serve a population in great need. Mayor Naugle thanked Mr. Cooke for “bringing home the bacon,” and gave thanks for Governor Bush and his administration for making these funds available.

Motion made by Commissioner Smith and seconded by Commissioner Moore that Consent Agenda Item No. M-24 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Installation of Speed Humps – Northeast 22nd Avenue,
Southeast 10th Avenue and Northeast 60th Street** (M-37)

Commissioner Katz wondered if it would be possible to include the park north of Northeast 62nd Street because there had been a lot of problems on 22nd Avenue along the park. She asked if test rumble strips could be installed in Imperial Point Park. Mr. Peter Partington, Public Services Department, stated that this area had been surveyed. He stated that speeds had been higher south of Imperial Point Drive, and that was the length of road that qualified and was recommended for speed humps. However, he would be happy to replicate the treatment being used in the Sunrise Intracoastal neighborhood in front of the Imperial Point Park.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item No. M-37 be approved as discussed. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Broward County – Homeless Assistance Center
(North Site) – Extension of Completion Date** (M-38)

Commissioner Smith said he would move this item with the understanding and condition that the \$3,000 daily late fee would be assessed against the County and paid to the City. Mayor Naugle believed that was the recommendation.

Commissioner Moore wondered why this Center had not been constructed within the proposed time frame. *Mr. Dick Brossard*, Broward County Public Works Department, explained that the intention had been to complete this project by now, but the site plan review and permitting process had taken much longer than planned for a combination of reasons. He believed the owner, the operator, the City, and the design/builder all bore some of the responsibility. Mr. Brossard noted that the site plan review process for the Fort Lauderdale Center had also been a very lengthy and intense undertaking. Commissioner Moore understood the problem had not centered on the design/builder, and Mr. Brossard agreed that was true. He provided an aerial photograph of the site taken on Friday, which showed the current status of the project. Mr. Brossard believed the project would be completed by next July.

Mayor Naugle inquired as to the contractor on the project. Mr. Brossard replied it was D'Papio Construction. He added that the \$3,000 a day payment to the City in the event the project went past the completion date had not yet been presented to the County Commission.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-38 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Bid 762-7421 – Contract Amendment,
16 Sanitation Refuse Vehicles** (Pur. 1)

Commissioner Smith understood Sanitation Maintenance currently did this for \$401,000. That contract was approaching its expiration date, and this contract would cost \$511,657. Mr. Kirk Buffington, Purchasing Manager, agreed the current contract expired in January. Commissioner Smith asked if staff was dissatisfied with the current contractor and did not want the company to hold the contract for the additional year. Mr. Buffington stated that the contract had to be rebid, and the item would roll it in to the First Vehicle Services, Inc. so that when it was rebid, there would be a single contract rather than two.

Mr. Buffington stated that there were several things First Vehicle Services, Inc. was bringing to the table that the current contract could not. For example, 4 full-time mechanics would be provided instead of 1, and operating hours would be extended. First Vehicle Services, Inc. would also provide an aggressive and regimented schedule of preventative maintenance. He explained that when trucks needed repairs, they were fixed, but no attempt was being made at the present time to provide preventative maintenance. He noted that the trucks averaged about 10 years old, so there were a lot of issues associated with keeping an aging fleet operating.

Mayor Naugle recalled past problems with the hydraulic systems. He asked if the new vendor was up to speed on maintaining those systems. Mr. Buffington replied that they were well aware of this critical issue with these trucks.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 1 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Bid 312-8527 – Replace Car/Van/Light Truck Drive-Thru Wash (Pur. 2)

Commissioner Katz recalled some environmental problems a few years ago that had been associated with this car wash. Mr. Kirk Buffington, Purchasing Manager, advised that environmental work had been done in 1996 to address problems with the fuel station, which was next to this car wash. At that time, some façade work had been done at the car wash because it shared a roof and some walls with the fuel station.

Motion made by Commissioner Katz and seconded by Commissioner Hutchinson that Consent Agenda Item No. Pur. 2 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

RFP 512-8498 – State Legislative Lobbyist Services (Pur. 4)

Mayor Naugle did not think the recommended firm could deal with the leadership in Tallahassee and wished to vote against this item.

Motion made by Commissioner Moore and seconded by Commissioner Smith that Consent Agenda Item No. Pur. 4 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Moore. NAYS: Mayor Naugle.

Bid 772-7710 – Renew Grants Management Services (Pur. 6)

Commissioner Hutchinson noted that the back-up material indicated that staff had not intended to renew this contract, and she wondered why that had been the case. Mr. Vince Gizzi, Parks & Recreation Department, explained that staff had expected the Parks Bond projects to be closed out, but there were still some grants in the process, so it was necessary to renew this contract for another year.

Commissioner Moore asked how much money in grants had been obtained last year. Mr. Gizzi replied that the success rate had been 100%. He stated that \$1.6 million had been obtained already, and other grants were pending in the amount of approximately \$700,000. Commissioner Smith inquired about future strategies in terms of grants. The City Manager advised that the new budget provided for an overall grant writer not devoted solely to parks grants.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore that Consent Agenda Item No. Pur. 6 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.
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**Approval of Mediated Settlement Agreement
as Recommended by Special Master in the
Dispute Resolution – Luxury Resorts International
(The Atlantic, formerly known as Marquis Hotel) (PZ Case No. 26-R-99)(M-40)**

A motion was presented approving a mediated Settlement Agreement as recommended by the Special Master in Dispute Resolution of a denial of an amendment to a site plan in PZ Case No. 26-R-99 on March 15, 2001 located at 607 Fort Lauderdale Beach Boulevard (The Atlantic, formerly known as “Marquis Hotel”).

Mr. Bob Reynolds, Central Beach Alliance, said he had noticed quite a few vacant lots on the beach. Some were fenced in, and some had unsightly materials on site that were blowing in the wind. He felt someone should address the fact that area residents did not want all these vacant lots. Mr. Reynolds pointed out that buildings had been demolished without plans to rebuild immediately afterwards.

Mr. Reynolds wanted to know if the applicant could meet Code requirements to build. He noted that people were concerned about employee parking for this project because they thought the employees would be seeking parking on Orton Avenue. He asked if on-site employee parking would be provided. Mr. Reynolds also wanted to ensure the applicant had the financing to complete the project so the neighborhood was not left with a half finished project. If so, and if sufficient parking was provided, he did not think this would present big problems for the neighborhood.

Ms. Bernice Stein, representing Mr. Williams of the Terramar Apartments, wanted to make sure the City Commission addressed traffic issues. She hoped everyone understood there could be problems on Terramar Street.

At 7:32 P.M., Commissioner Moore left the meeting. He returned at 7:33 P.M.

Mr. Don Hall, Attorney representing Luxury Resorts International, stated that unscreened, vacant lots were not a problem associated with this site. He advised that there was a lovely sales center on the site, and the rear was screened with an opaque material. Mr. Hall stated that employee parking had been raised as an issue by Commissioner Moore, and 40 parking spaces had been provided on the site for this purpose. He noted that when any site plan was approved, whether or not it would actually be constructed was a question that could be raised. Mr. Hall said he could only refer to the applicant's track record.

Mr. Hall noted that traffic had been considered throughout the process, and this project produced less than 1,000 trips. Under the City's Code, such a project was found to produce a diminimus traffic impact, and he believed Planning staff could confirm that information.

Commissioner Smith believed Mr. Reynold's concern had been that the developer would start the project and then fail to complete it. He did not think that would happen. Mr. Hall agreed. Commissioner Smith asked if there was another property owned by this applicant on Bayshore Drive. Mr. Hall replied that his client had owned it but no longer owned it.

Commissioner Smith pointed out that this had been a very "tortured" parcel, and he felt the process for compromise through the dispute resolution had worked well in this case. He advised that the Central Beach Alliance had not expressed any grave concerns, so he was prepared to support this item.

Motion made by Commissioner Smith and seconded by Commissioner Katz to approve a mediated settlement agreement as recommended by the Special Master in Dispute Resolution of a denial of an amendment to a site plan in PZ Case No. 26-R-99. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Settlement of Auto Liability File No. VA GL 98-750 (Jill Markham) (M-41)

A motion was presented authorizing the settlement of Auto Liability File No. VA GL 98-750 (Jill Markham) in the amount of \$30,000.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the settlement of Auto Liability File No. VA GL 98-750 (Jill Markham) in the amount of \$30,000. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Settlement of General Liability File No. GL 99-049B (Mark Gianassi)(M-42)

A motion was presented authorizing the settlement of General Liability File No. GL 99-049B (Mark Gianassi) in the amount of \$44,500.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the settlement of General Liability File No. GL 99-049B (Mark Gianassi) in the amount of \$44,500. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Proposal for One-Way Roads Adjacent to Virginia Young Park and Hector Park – Rio Vista Neighborhood(PH-1)

A public hearing was scheduled to consider a proposal to make certain roads one way in the Rio Vista Neighborhood, adjacent to Virginia Young Park and Hector Park. Notice of the public hearing was published on August 22 and 31, 2001.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Peter Partington, Public Services Department, stated that this proposal involved making roads around 2 public parks in the Rio Vista neighborhood one-way only. It was basically the first step in a proposal the neighborhood had been discussing for a number of years to improve Virginia Young and Hector Parks. He stated that the Virginia Young Park proposal was to make 10th Street one way westbound and South Rio Vista one way eastbound.

Mr. Partington stated that the reasoning for this proposal and for the comparable proposal at Hector Park was that by making the roads one way, their widths could ultimately be reduced to somewhat enlarge the park areas. He stated that making the roads one way around Virginia Young Park would not require the removal of any asphalt or any other physical changes. Thus, this hearing was about the principle of making the roads one-way because further efforts to seek funding for additional park improvements would not be necessary if the proposal was not approved.

Mr. Partington referred to Hector Park. In that case, the proposal involved making 11th Street one way eastbound and Ponce de Leon Drive one way westbound. He advised there was an unnamed street to the east of Hector Park, and that road would be to make that street one way northbound. He noted that Ponce de Leon Drive was currently a divided highway, and the area between the median and the park could be added to the area of the park. He displayed a plan showing the area of asphalt that could be removed to add to the park area.

Mr. Partington stated that while it would not be essential to remove the asphalt, the area between the median and the park could be closed to traffic and the one-way system implemented. If the Commission favored this arrangement, staff proposed not to implement this until such time as the funding for asphalt removal had been identified. Thus, again, the purpose of this hearing was to consider the principle of making these roads one way around the park to facilitate the ultimate improvements.

Mr. Partington referred to the traffic distribution and effects of the Virginia Young Park proposal. He stated that the traffic volume on South Rio Vista Boulevard was relatively low on the order of about 250 vehicles per day. Therefore, he did not expect any significant adverse effects from the redistribution of this traffic. In the case of Hector Park, Mr. Partington advised that Ponce de Leon Drive had about 400 vehicles per day, and half of those would be diverted to 11th Street. He stated that 11th Street had approximately 900 vehicles per day, so half of that traffic would be diverted to Ponce de Leon Drive. He explained that there would be some slight redistribution of the traffic around the Park, but the numbers were quite low even by Rio Vista standards.

On balance, Mr. Partington said this system would seem to offer some advantages when viewed against neighborhood plans for Hector Park, and he did not envision disadvantages from a traffic standpoint with this proposed system. He recommended that the City Commission approve these changes in concept with the understanding that the changes around Hector Park would not be implemented until funds for improvements were identified by the neighborhood.

Mr. John Wilkes, 821 South Rio Vista Boulevard, advised that he represented the Rio Vista Neighborhood Association's Parks Committee, and he favored this proposal. He did not feel this was a traffic issue, but an ancillary issue related to improvements to Virginia Young Park and the development of Hector Park. He explained that the intent was to increase green space, eliminate impervious area in order to improve drainage, and to provide for the safety of the park users and nearby residents. Mr. Wilkes described the history of this project dating back to December, 1997.

Mr. Wilkes stated that the plan would add about 6,000 square feet of additional green space to Virginia Young Park and about 8,500 square feet of green space to Hector Park. He displayed the plan, which had been conceptually approved by the Parks, Recreation & Beaches Advisory Board and by the Right-of-Way Committee. Mr. Wilkes advised that the plans had been presented at 4 or 5 general meetings of the Neighborhood Association, and they had been displayed at various events. In addition, the plans had been outlined in at least 4 newsletters. Mr. Wilkes stated that the response had been overwhelmingly in favor of these proposals, and he submitted petitions of support signed by 51 area residents. He advised that 2 objections had been received with respect to Hector Park, and he detailed some of the proposed improvements.

Mr. Wilkes noted that several details were not shown on the Hector Park plan. Those involved providing protection for the property owner to the east by enhancing the landscaped area for maintenance as part of the parks system. Another aspect not shown on the plan involved the sidewalk on the north side in order to provide a separation from traffic. He explained that parking would be removed from the north side and the green area expanded to provide an additional buffer from traffic. Mr. Wilkes stated that there were 4 properties that would be most affected, and 3 of those had purchased their properties since these plans had been proposed.

Mr. George Caldwell opposed the proposal for Hector Park. Although he was supportive of green space in general, he liked Ponce de Leon Drive as it was now. It was a beautiful boulevard, and he understood the desire to increase park space, but there was another park just a block away. Mr. Caldwell did not feel the traffic flow should be altered in this location. Although he understood the traffic movement in the general area would not change, the movement towards his property would increase from 200 cars per day to 650 or 700 per day. Therefore, this would be an increase in traffic that would affect some property owners.

Mr. Caldwell said he had purchased his home within the last year, so he had not been involved in the initial planning stages for this proposal. He noted that whenever traffic was diverted from one road, it went to a neighboring street, and he preferred that his neighbors not move the traffic to his street. Mr. Caldwell thought a compromise would be possible through the use of a planter barricade at part of Ponce de Leon Drive without converting 11th Street to one-way traffic. He did not believe this compromise would significantly decrease the amount of additional green space in Hector Park or its use.

Mr. Michael Orlando, Rio Vista resident, favored the proposal. He felt it would increase green space and trees, and it would make the neighborhood more user friendly as it continued to grow.

Mr. Al Whittaker, 915 Ponce de Leon Drive, could not be more opposed to this proposal, from both aesthetic and safety standpoints. He stated that if the Hector Park proposal was not implemented, there was no reason to block off access to Ponce de Leon Drive at 11th Street. Mr. Whittaker believed this proposal would effectively double the eastbound traffic on 11th Street, as well as double the westbound traffic on Ponce de Leon Drive. It would also enormously increase traffic on the small street on the east side of the park. More importantly, he did not think this was a place that should be converted from its natural condition to a park for children. Mr. Whittaker pointed out that Virginia Young Park was only a block away. It was on a cul-de-sac road without a great deal of through traffic, so it was a better place for children with ample facilities. In fact, he felt the proposal for Hector Park was a “design fraught with disaster” in terms of safety.

Mr. John Wakton referred to Virginia Young Park. He strongly agreed with Mr. Whittaker’s comments and felt they applied to both of these parks in terms of the ingress or egress from large vehicles. Mr. Wakton said he lived on 10th Street where the narrowing of the street would occur, and everyone was happy with Virginia Young Park. However, he objected to narrowing the street because children did dart in and out of cars. He felt that narrowing it would create a hazard, and there was an ingress and egress problem associated with removal of the asphalt. Mr. Wakton believed he would have difficulty getting in and out of his driveway. He felt the park worked fine the way it was configured now, and there was no need for expansion.

Mr. Wakton had no objection to making the street one way only, but he saw no need to narrow it. He also questioned whether or not it made sense to do these things from a traffic standpoint because there was no traffic problem at the present time.

Ms. Lindy Eichner, 1308 Southeast 11th Street, favored expansion of parks. She felt it was a good idea to have a park that catered to very small children on the south side of the Tarpon River. She hoped the Commission would support the project.

Ms. Liz Preori, a resident of 11th Street, was opposed to one-way traffic. She felt eastbound access on Ponce de Leon Drive was necessary to deflect traffic from 11th Street. She believed that if the center lane were removed, there would be a lot more traffic on 11th Street. Ms. Preori believed this would result in the neighborhood being more littered with unattractive traffic signs. In addition, the development of Hector Park would increase noise in the immediately surrounding residential area. She also did not think it would be safe for children in light of the traffic in this area.

Ms. Dorcia Sweetingborg, 1605 Southeast 10th Street, said she lived just east of Hector Park, and she used 11th Street almost every day. Although there were a lot of cars on that street, she rarely saw anyone using the park, so she saw no reason to expand it or narrow the street. She did not support one-way streets in this location, and she felt the Commission should vote on these 2 parks separately. She also hoped the Commission would vote against the Hector Park proposal.

Ms. Susan Caldwell submitted 10 letters from people who would be directly impacted by the traffic change around Hector Park. She stated that these people owned homes right next to Hector Park, and she felt their feelings should be considered. Ms. Caldwell advised that she had 4 children who crossed the bridge to visit Virginia Young Park, and she did not think another park on the south side of Tarpon River was necessary. If anything, she felt there should be a temporary closure of one section of Ponce de Leon Drive only as a trial. Once it could be determined where the traffic would go, she thought an informed decision could be made.

Mr. Raymond Ray understood from the public notice that the sole and narrow issue before the Commission involved the approval of one-way streets. He did not believe the park configurations were at issue today, and it would be some time before those issues were considered. Mr. Ray said he lived on South Rio Vista Drive, and he had no objection to the one-way street. He also believed a trial with respect to Hector Park would be advantageous, but the other park issues were not in question today.

Mr. Michael Thompson, 721 Southeast 6th Court, had not thought this would be a controversial issue, but that was not the case. He understood the issue involved one-way streets, but there were other impacts, and green space was important. Mr. Thompson pointed out that there was very little parking for Virginia Young Park, and he did not feel it was needed because the majority of the users walked to this community park. He stated that 9th Avenue and a few other streets could be considered high-traffic areas, so he did not feel that was a concern with respect to Virginia Young Park.

Mr. Thompson referred to Hector Park. He stated that when there was not a drought, this area was basically a flood plain. That was its natural state, and it was an unusable piece of land. For that reason and its current state, Hector Park was not being utilized, and no one was sure what the traffic impacts might be. In any case, he believed property values would be maintained and traffic volumes maintained at a low level. Mr. Thompson supported the proposal, and he believed the majority of the community did as well.

Mr. Ernie Martin, 1200 Southeast 11th Street, said he recently purchased his home and strongly supported this proposal. He believed one-way traffic flow was safer than double flows on these narrow streets.

Mr. Bill Head, 1104 Southeast 11th Street, said he had moved to his home about a year ago. He had met all his neighbors and estimated there were about a half dozen children aged 5 or under, so he felt there should be a park on the south side of Tarpon River. Mr. Head also felt green space was warranted, and anything that would help control the speed of traffic on 11th Street would be helpful.

Mr. Ralph Eiler, 1105 Southeast 5th Court, supported the park and the one-way traffic proposal around the park. He believed it would slow the traffic, although the volume of traffic would increase on some of the streets.

Mr. Anthony Gomez, 721 Southeast 8th Street, felt the park concept made a lot of sense. He and his son visited the park almost every day, and this proposal would allow expansion of the park space without really giving up anything else. He thought that making two 2-way streets each one way only would result in a “wash.” Therefore, he did not think this would make any difference from a traffic standpoint, but it would make a difference for the kids. Mr. Gomez also agreed most people walked to the park, so he did not think parking would be a concern.

Ms. Maria Ebersol, 828 South Rio Vista Drive, thought one-way traffic on narrower streets would slow traffic in the area even if it were slightly reapportioned. As designers and residents of a property across the street from a park, she and her husband would never live anywhere else in Fort Lauderdale. She felt it was the most beautiful place in the City, and she noted that this proposal would make Hector Park almost as large as Virginia Young Park.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Hutchinson supported the Virginia Young Park proposal completely in terms of the one-way streets, which was the only issue before the Commission today. However, she had some concerns about Hector Park. She noted that there was no money available at this time to move forward with the park plans, and she suggested that this one-way proposal be implemented on a temporary basis to serve as a trial. Commissioner Hutchinson did not think the traffic situation would worsen, but she thought it might be best to experiment with the idea and seek if it worked.

Commissioner Smith asked what timeframe Commissioner Hutchinson had in mind for the trial, and she requested Mr. Partington’s input in that regard. Mr. Partington stated that trial periods were usually 6 months to a year, and the issue was the funding to move from a temporary phase to a permanent plan. Commissioner Hutchinson noted that she would not support a temporary situation for the next 4 years.

Mayor Naugle suggested a 6-month trial period with respect to the one-way system around Hector Park and approval of permanent one-way streets around Virginia Young Park. Commissioner Hutchinson wondered if there was any way to make the planter barriers better looking. She hoped the neighborhood could do something to make sure the planters were not just filled with weeds.

Motion made by Commissioner Hutchinson and seconded by Commissioner Moore to approve staff recommendation to make certain roads one way in the Rio Vista Neighborhood, adjacent to Virginia Young Park, and to do the same around Hector Park on a temporary basis for a 6-month trial period. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate a Portion of S.W. 18 Court -
City of Fort Lauderdale (PZ Case No. 26-P-01)(PH-2)

At the August 15, 2001 Planning and Zoning Board meeting, the following application was approved by a vote of 7-0. Notice of the public hearing was published on August 24 and 31, 2001.

Applicant: City of Fort Lauderdale/Engineering Services
Request: Vacate a portion of S.W. 18 Court
Location: S.W. 18 Court between S.W. 1 Avenue and the Florida East Coast Railway

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Chuck Ritchie, representing the petitioner for an abutting vacation request, stated that there was no opposition to this vacation.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-01-34

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR SOUTHWEST 18TH COURT (PLATTED AS MARION STREET) AS SHOWN ON THE PLAT OF "CROISSANT PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEING BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, BOUNDED ON THE EAST BY A LINE PARALLEL WITH AND 50 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY AND BEING BOUNDED ON THE NORTH AND SOUTH BY THE RIGHT-OF-WAY LINES OF SAID SOUTHWEST 18TH COURT AND THEIR WESTERLY EXTENSIONS, LOCATED ON SOUTHWEST 18TH COURT ON THE EAST SIDE OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY; SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate a Portion of S.W. 17 Avenue -
City of Fort Lauderdale/River Oaks Civic Association (PZ Case No. 9-P-01)(PH-3)

At the August 15, 2001 Planning and Zoning Board meeting, the following application was denied by a vote of 3-5. Notice of the public hearing was published on August 24 and 31, 2001.

Applicant: City of Fort Lauderdale/River Oaks Civic Association
Request: Vacate a portion of S.W. 17 Avenue
Location: S.W. 17 Avenue between S.W. 20 Street and S.W. 21 Street

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Katz said her only concern was that there did not seem to be a plan for the future. She thought the City seemed to be closing things off everywhere without knowing whether or not the community might need this road in the future. In this case, it appeared the area was in a poor condition because the City had failed to maintain it, but she wondered if the situation might be different if the area were maintained.

Commissioner Hutchinson asked if anyone had visited the site, and Mayor Naugle said he had. Commissioner Hutchinson thought seeing the road was worth a thousand words because it had no use or value. She pointed out that it was a gravel road that had not been maintained so it had no use. Commissioner Katz wondered if it would be used if it were properly maintained.

Mr. Bruce Chatterton, Construction Services, stated that this right-of-way was of a substandard width of 25' for streets. He did not think it would be cost effective to install the drainage that would be necessary because there would be no room for anything more than a very narrow swale.

Whatever the Commission decided on this issue, Commissioner Katz thought it would be a good idea to help neighborhoods understand where their neighborhoods were going because closing one street could create another problem. She felt there should be plans associated with these types of requests.

Commissioner Smith believed the Planning & Zoning Board's concern was that the criteria for street vacations and closings should be reexamined as the City grew to make certain mistakes were not being made. He suggested that this vacation be approved with the idea that the Board would reexamine the ordinance. Commissioner Katz supported the idea. Commissioner Hutchinson had watched the Planning & Zoning Board hearing, and there had been another alley vacation on the agenda associated with 500 units. She believed the alley could have been used to accommodate those 500 units as it was of no other value to the neighborhood other than to the few adjacent properties.

Commissioner Hutchinson introduced the following ordinance on first reading:

ORDINANCE NO. C-01-35

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF SOUTHWEST 17TH AVENUE (PLATTED AS SOUTH DRIVE) AS SHOWN ON THE PLAT OF "OSCEOLA PARK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BOUNDED ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF BLOCK 2, OF SAID "OSCEOLA PARK" AND BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 2, LOCATED BETWEEN SOUTHWEST 15TH AND SOUTHWEST 18TH AVENUE SOUTH OF SOUTHWEST 20TH STREET AND NORTH OF SOUTHWEST 21ST STREET, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Smith thought the Commission should send this matter to the Planning & Zoning Board. Mayor Naugle said he had requested a Conference item with representatives of the Board.

Public Purpose Use/Site Plan Approval/CF -

City of Fort Lauderdale – Woodlawn Cemetery (PZ Case No. 74-R-01) (PH-4)

At the July 18, 2001 Planning and Zoning Board meeting, the following application was approved by a vote of 8-0. Notice of the public hearing was published on August 24 and 31, 2001.

Applicant: City of Fort Lauderdale/Public Services
Request: Public purpose use/site plan approval/CF
Location: 1901 N.W. 19 Street

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Moore wished to commend staff, particularly Horace McHugh, on their efforts in this regard. He stated that this had been designated as a historic cemetery, and he was pleased with the renderings that had been presented.

Commissioner Moore introduced the following ordinance for first reading:

ORDINANCE NO. C-01-36

AN ORDINANCE APPROVING IMPROVEMENTS WITHIN A CEMETERY LOCATED WITHIN A CF ZONING DISTRICT THAT DO NOT MEET CERTAIN REQUIREMENTS OF THE ULDR, WHICH CEMETERY IS LOCATED AT 1901 N.W. 9TH STREET, AND GRANTING RELIEF FROM THE LANDSCAPING, FENCE AND SIGN LOCATION REQUIREMENTS PURSUANT TO SECTION 47-18.26 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Amendment to
Cable System Franchise Agreement – RCN Telecom Services, Inc.(PH-5)**

A public hearing was scheduled to consider an ordinance pursuant to Sections 8.15 and 8.17 of the Charter of the City, amending the cable system franchise with RCN Telecom Services, Inc. to extend deadlines for construction of the cable system and institutional network and for local programming financial support, and authorizing the proper City officials to execute a first amendment to franchise agreement with RCN Telecom Services, Inc. Notice of the public hearing was published on May 24 and 31, 2001. On June 5, 2001, first reading was deferred to September 5, 2001 by a vote of 5-0.

Commissioner Katz inquired as to the advantage of deferring this item. Mr. Bruce Larkin, Director of Administrative Services, explained that when this item had been presented in June, there had been discussion about the current state of the industry. Staff and the consultant had recommended amendment of the franchise to give RCN a little more “breathing room” to get its financing and business plan together. Mr. Larkin stated that if the franchise were revoked, it would put the City in a difficult position because the company still had substantial assets and was still interested in Fort Lauderdale. He recommended that action on this franchise be deferred while the process was completed to find alternatives in cooperation with the County and the Broward League of Cities.

Commissioner Katz wondered if RCN would be at a disadvantage if, for example, another over builder stepped forward. Mr. Larkin expected that work with the other cities and the County would be completed so requests for letters of interest could be released in October. He thought the process would be completed in January. Mayor Naugle thought that if something happened in between, the Commission could rescind its deferral and vote on a motion to reconsider. Mr. Larkin noted that if some additional competition were attracted, this matter could be dealt with in January to move forward with another over builder. Commissioner Moore wished to commend Mr. Larkin on his presentation to the League of Cities in this regard.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to defer first reading to January 23, 2002 at 6:00 p.m. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Proposed Temporary Street Closures –
N.W. 1 Avenue, N.W. 2 Avenue, N.W. 3 Avenue, N.W. 4 Avenue,
N.W. 7 Street and N.W. 8 Street – Flagler Heights/Progresso Neighborhood(PH-6)**

A public hearing was scheduled to consider the temporary closure of the following streets. Notice of the public hearing was published on August 22 and 31, 2001.

- N.W. 1 Avenue, just south of Sunrise Boulevard
- N.W. 2 Avenue, just south of Sunrise Boulevard
- N.W. 3 Avenue, just south of Sunrise Boulevard
- N.W. 4 Avenue, just south of Sunrise Boulevard
- N.W. 7 Street, between N.W. 4 Avenue and N.W. 5 Avenue
- N.W. 8 Street, between N.W. 4 Avenue and N.W. 5 Avenue

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Peter Partington, Public Services Department, stated that staff had examined these roads some time ago due to concerns about speeding. He had found that Northwest 2nd, 3rd and 4th Avenues did not meet the criteria for the installation of speed humps, but the civic association supported temporary closures of the roads, and the Commission had requested a public hearing on the matter.

Mr. Partington stated that 4 closures were proposed on 1st, 2nd, 3rd and 4th Avenues south of Sunrise Boulevard, and 2 more closures were proposed on 7th and 8th Streets between 4th and 5th Avenues. He advised that the proposed closures were comparable to those in the Lake Ridge and South Middle River neighborhoods. Mr. Partington stated that traffic speed and crime prevention were the issues these temporary installations were intended to address. Commissioner Smith understood “flexstakes” were proposed. Mr. Partington agreed those were proposed to afford emergency and sanitation vehicle access.

Ms. Martha Francois said her husband was the Minister of the Church at 4th Avenue and 7th Street. She was against the closure of 7th Street because most of the congregation members lived in the area and came to the Church from all directions. She felt these closures would take members out of their way and affect the traffic to the other Haitian church on 2nd Avenue. Ms. Francois suggested the use of speed humps and greater enforcement to address existing problems.

Mr. Bob Green was also opposed to these street closures. He stated that the notice he had received had indicated the intent was to deter crime, but he did not believe this would do anything to address crime. Mr. Green was also opposed because he owned some rental property on 3rd Avenue, and his tenants would move out if they had to go blocks out of their way to reach their homes. He felt this was an imposition on area residents, and issues of crime should be addressed by the Police Department.

Mr. Green stated that use of the term “temporary” also caused him some concern, although he would not have an objection if the term meant 6 months. However, it was usually a longer period of time.

Reverend Francois, Assistant Pastor of the Church at 4th Avenue, was opposed to this closure. He stated that the Church had 400 to 500 members coming to services on Sundays, and there were activities for young people every day. He pointed out that the Church provided educational opportunities, and he did not think it was a good idea to make it difficult for people to attend by closing 7th and 8th Streets.

Mr. J. J. Hankerson, President of the Progresso Village Association formerly known as the Progresso-Flagler Heights Civic Association, stated that the Association was requesting these road closures in an effort to improve the neighborhood. He said the purpose was not just to address drug problems, but also to address the semi-tractor trailers that came through the neighborhood and the speeding vehicles. Mr. Hankerson noted that the neighborhood was dealing with speeding traffic, drug problems, and cut-through traffic. He pointed out that there were a lot of kids in the area, and the plan was to build up this community. Mr. Hankerson encouraged the Commission to approve these temporary road closures to see what would happen.

Mayor Naugle thought the problem seemed to be 7th Street. He wondered if all these closures should be taken as a package. Mr. Hankerson pointed out that there were no stop signs on 7th Street, and he felt this should be considered as a package. He thought the closures would eliminate the commercial traffic and the drug customers who cut through the area. Mr. Hankerson advised that he lived on 2nd Avenue, and the closures would be an inconvenience to neighborhood residents, but he believed these closures would be in the best interests of the entire community.

Mr. Richard Barron did not like street closures, but he felt they were necessary. He noted that there were a lot of car repair facilities on 5th and 6th Streets, and their tow trucks were constantly up and down 7th Street. Mr. Barron felt this had become a cut-through to Andrews Avenue, and the residential property facing west had been transformed into parking lots for the commercial properties that faced Andrews Avenue. He noted that was a zoning violation and some fines were running, but all this traffic went on 1st Avenue and caused deterioration in the neighborhood.

Mr. Bill Leonard said he represented the car owners and the owner of most of the land on 1st and 2nd Avenues, along with the owner of several properties on Sunrise Boulevard. He wanted to point out the impact of these closures on Andrews Avenue. He acknowledged there were car dealerships, but they were in a commercial zone with thin lots. Mr. Leonard thought this action would block an additional lane of Andrews Avenue for another hour each morning and afternoon for those businesses. He noted that the City could shut down the commercial traffic on 1st Avenue, but it was mostly vacant and/or used by the properties fronting on Andrews Avenue. If that was closed, all the commercial traffic would have to enter off Andrews Avenue.

Mr. Leonard stated that the practical reality of the situation was that there were businesses operating on Andrews Avenue, and they had the right to conduct business. He felt that doing this to support the interior of the neighborhood would have a negative impact on the businesses. Mr. Leonard said he had tried to meet with Mr. Hankerson, but he was never available. He had also tried to present a rezoning request to the civic association, but his efforts had been unsuccessful. He had even tried to contact the association members directly, but no one would provide a list of the members.

Mr. Leonard noted that Mr. Hankerson had indicated the civic association supported this action, but there were not many people here to support the request. He wanted an opportunity to pursue discussions with neighborhood residents, and he urged the Commission to vote against closure of 1st and 2nd Avenues. If that was essential, however, he wondered if the closure could be pushed down so the commercial vehicles could enter on Sunrise Boulevard and exit on Andrews Avenue. In the alternative, Mr. Leonard thought the City would have to condemn Lots 210, 259, and 266 because they would no longer be economically viable if the roads were closed.

Ms. Marge Siminick stated that Mr. Leonard was her Attorney and pointed out the properties she owned on a map. She felt this action would have the greatest effect on her and her tenants than the rest of the neighborhood. Ms. Siminick stated that she had single-handedly wiped out a lot of the crime in the area and cleaned it up, but she could not afford to lose her tenants. She stated that she was in the process of acquiring additional property on Andrews Avenue and intended to clean up those properties as well. She believed there would be a lot more crime problems in the area if the car dealers were not operating. If the commercial traffic was the issue, she believed moving the closure down would serve the purpose.

Ms. Kaola King, Vice-President of the Progresso Village Association, understood the Church on 4th Avenue had 400 or 500 members, but she did not think they all lived in the neighborhood. She felt that if area residents were willing to put up with the inconvenience of street closures every day, the Church members should be willing to do the same once a week. Ms. King believed that the Police Department would ticket anyone who ran through the barricades, and improvements had been made in the neighborhood. She displayed a photograph of her home, located at 1st Avenue and 9th Street, which showed a trailer parked in front of her home. Ms. King said this was another problem the neighborhood was trying to address. She felt the commercial properties should be able to operate on their own premises without detrimentally affecting the community.

Mr. Rod Tillman, President of Ram Enterprises, said he owned the property from Andrews Avenue to 1st Street on Sunrise Boulevard, which was a Haitian strip shopping center. He stated that several of his tenants had contacted him about their concerns related to street closures so close to the shopping center. He said this was one of the busiest shopping centers in the area, and dumpster service was provided on 1st Avenue. Mr. Tillman thought the closures would make it very difficult for the collection service.

Mayor Naugle thought Mr. Tillman could relieve some of the congestion in the shopping center by having fewer tenants and more parking. Mr. Tillman said he had torn down 4 units in the 1960s to provide more parking. He did not think he could continue to operate the shopping center profitably if more units were demolished. Mayor Naugle noted that acquiring more land was another alternative. Mr. Tillman said he had tried to do that over the years without success, and he thought the most beneficial action would be a greater police presence in the area.

Mr. Chuck Frazier, of Dixie Box & Crating in Block 323, was opposed to all the closures, but particularly the closure slated for 7th Street. He owned the buildings in which 5 other businesses were located, and they employed about 75 people, many of whom lived in the area. Mr. Frazier pointed out that this was an Enterprise Zone, and he felt that the closures would diminish the value of his property. He said he had not experienced a lot of crime or other problems, and he believed these closures would severely hurt neighborhood businesses.

Motion made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Moore felt this was a problem community, and he thought it would be wonderful if there were a greater police presence in the neighborhood. He thought it would also be wonderful if there were fewer absentee property owners, and if the property owners in the area were more conscious of the community's desires and the needs of their residential neighbors. Commissioner Moore supported the proposal, but he preferred the use of potted plants to flexstakes. He pointed out that the owners of the commercial properties on Andrews Avenue had been aware that the property to the rear was residential in nature when they had acquired those properties.

Commissioner Moore stated that the Police Department had been doing a wonderful job in an attempt to gain control within the community, but he did not understand why there had to be tractor trailer trucks going up and down the streets of this neighborhood all day long. He noted that this community had observed the improvements made on the other side of Sunrise Boulevard through various street closures. Commissioner Moore said that he had originally opposed the entire concept of street closures, but he had changed his position after having seen that communities had been able to gain control through these methods.

Commissioner Moore supported the idea of a trial period to see if these closures would have the positive impact that the neighborhood association expected, and an assessment could be made of the situation in 6 months. He did not agree with the concept mentioned by Mr. Partington in terms of the flexible stakes because small cars could just run them over. Commissioner Moore thought large potted plants would prevent cars from navigating around and across the barriers, and he believed the Fire and Police Departments would be able to find effective routes to serve the community, as would the companies that collected the garbage. He expected some adjustments would be necessary, but he supported the closures as proposed.

Commissioner Smith agreed with Commissioner Moore. He felt there had been some poor zoning decisions made in this area in the past, and some hard choices would have to be made at some point. He pointed out that there were commercial properties that were not deep enough and did not have sufficient access for operations, and they were adjacent to residential properties. Commissioner Smith thought some help should be sought from the Progresso Retail Merchants Association that represented area businesses to come up with a plan so the businesses could peacefully coexist with their residential neighbors.

Commissioner Smith believed that all of the closures were necessary, and it had been his experience that closures always helped communities improve. He also thought efforts should be made to address the zoning problems in the area so everyone would thrive. Commissioner Moore agreed a master plan was necessary.

Commissioner Hutchinson said that one thing that concerned her were the tractor trailers off-loading on City streets. Mayor Naugle thought some initial warnings followed by tickets and arrests would help. Commissioner Hutchinson felt business should be conducted on the private properties without using public streets to conduct business. She wondered how this issue would be addressed.

Commissioner More noted that the City had planted some palm trees on 1st Avenue off Sunrise Boulevard, but nearly all of them were dead because of the tractor trailers pulling into the swale areas. Commissioner Hutchinson agreed this was totally unacceptable. Commissioner Moore understood the best irrigation had not been provided, but one could see the tire tracks in the swales. Commissioner Hutchinson noted that one speaker had indicated that Andrews Avenue would have to be closed to traffic so businesses could be accommodated. Mayor Naugle agreed those businesses should purchase property to conduct their business, and the operators should be arrested if they continued to conduct business in the City streets.

Ms. Cecelia Hollar, Director of Construction Services, stated that the land use had been changed about 2 years ago, and staff was working with the community and the CRA Board to establish the master plan for the area. She noted that this would not happen overnight, but the plan would prevent establishment of more activities the community did not like and encourage the things that were desired.

Commissioner Hutchinson felt commercial and residential uses could live happily together. Ms. Hollar agreed as long as the commercial uses were appropriate. Commissioner Moore agreed that commercial uses were not the problem. Rather, it was the type of commercial uses that were being squeezed in on small properties.

Mr. Greg Brewton, Zoning Administrator, said he had been working with this community and the businesses in the area because there was a long-standing problem. He believed the problem was that the businesses were using their properties from property line to property line. He thought the answer might be to acquire more property or have fewer vehicles on the lots so there was space for loading and unloading. Mr. Brewton said that property owners on Andrews Avenue had been encouraged to deepen their lots, but they had to maintain the orientation of the commercial activity on the Andrews Avenue side. He noted that this action would involve major redevelopment of sites, and the property owners had not been very willing to undertake such projects. Commissioner Katz thought that if the business community wanted to work with the residential community, they should get together and fund a professional master plan for the area.

The City Manager noted that the recommendation involved a one-year trial period and use of flexstakes. It was his understanding that the consensus of the Commission was to have a six-month trial period and that potted plants would be used instead of flexstakes.

Motion made by Commissioner Moore and seconded by Commissioner Katz to approve staff recommendation to temporarily close certain streets in the Flagler Heights/Progresso Neighborhood as discussed. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Proposed Use of
FY 2001-2003 Local Law Enforcement Block Grant (LLEBG) Funds(PH-7)**

A public hearing was scheduled to consider the proposed use of LLEBG funds in the amount of \$640,000 for the period of October 1, 2001 through September 30, 2003; and authorizing for the proper City officials to execute all documents necessary to accept such funds. Notice of the public hearing was published on August 24 and 31, 2001.

Mayor Naugle called for those who wished to be heard. The following appeared:

Mr. Tom Magnafesta, FOP President, stated that this money was designated for the continuation of Police Chief Brasfield's personally assigned vehicle program as proposed in the next budget. He thought it was safe to say that he agreed with the established guidelines in concept, and he suggested approval.

At 9:45 P.M., Commissioner Katz left the meeting.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: none.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the proposed use of FY 2001-2003 LLEBG funds. Roll call showed: YEAS: Commissioners Hutchinson, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

Amend Chapter 8 – “Boats, Docks, Beaches and Waterways” – Delete Mayan Lake as a Watersports Activities Area (O-1)

An ordinance was presented amending Chapter 8 entitled “Boats, Docks, Beaches and Waterways,” of the Code of Ordinances by amending Code Section 8-166 thereof deleting Mayan Lake as a Watersports Activities Area. Notice of the proposed ordinance was published on August 26, 2001.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-37

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 8, BOATS, DOCKS, BEACHES AND WATERWAYS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE BY AMENDING CODE SECTION 8-166 THEREOF DELETING MAYAN LAKE AS A WATERSPORTS ACTIVITIES AREA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Smith, Moore, and Mayor Naugle. NAYS: none.

At 9:47 P.M., Commissioner Katz returned to the meeting, and Commissioner Hutchinson left.

**Amend Chapter 25 –
“Streets and Sidewalks” – Cable Television Systems –
Compliance with Florida Communications Services Tax Simplification Law (O-2)**

An ordinance was presented amending Article X entitled “Cable Television Systems,” of Chapter 25 of the Code of Ordinances to provide for amendments necessary for compliance with the Florida Communications Services Tax Simplification Law. Notice of the proposed ordinance was published on August 26, 2001.

Commissioner Smith understood this would “beef up” the way in which the City could fine the cable service providers for infractions of customer service guidelines, and the City Manager would have the right to make such determinations. He also understood the provider could appeal such decision, but he was not sure to whom such appeals would be made. Mr. Bruce Larkin, Director of Administrative Services, stated that meetings could be held with the City Manager or his designee. If a resolution could not be reached through that process, the provider could appeal a matter to the City Commission and ultimately to the courts.

Commissioner Smith asked how fines would be collected. Mr. Larkin noted there was no security fund in place in the old franchise agreement, but the new franchise provided for such a \$50,000 security fund.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-38

AN ORDINANCE AMENDING ARTICLE X, ENTITLED CABLE TELEVISION SYSTEMS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING AMENDMENTS NECESSARY FOR COMPLIANCE WITH THE FLORIDA COMMUNICATIONS SERVICES TAX SIMPLIFICATION LAW; AMENDING AND ADDING DEFINITIONS; REVISING REQUIREMENTS FOR SYSTEM CAPABILITY, ACCESS BY OTHER PROVIDERS, INSTITUTIONAL NETWORKS AND PEG ACCESS, AND CABLE SERVICE TO THE FRANCHISE AREA; CLARIFYING CERTAIN PROVISIONS OF THE ORDINANCE; AND AMENDING CUSTOMER SERVICE STANDARDS AND THE FINES FOR VIOLATING CUSTOMER SERVICE STANDARDS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Amend Chapter 24 – “Solid Waste” –
Sanitation Rate Structure and Rate Adjustments – FY 2001/2002 (O-3)**

An ordinance was presented amending Chapter 24 entitled “Solid Waste,” of the Code of Ordinances to increase the amount charged for unlawful accumulations of solid waste as provided in Section 24-7(c) to adjust the rate schedule provided in Section 24-47 for garbage and trash collection and disposal service, to delete Section 24-48 pertaining to refuse container replacement and maintenance fees, and to revise Section 24-49 pertaining to payment in conjunction with the rate schedule adjustment. Notice of proposed ordinance was published August 26, 2001.

Commissioner Smith commented that it was not very often that sanitation rate structures were changed and most were decreasing.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-39

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED “SOLID WASTE,” TO INCREASE THE AMOUNT CHARGED FOR UNLAWFUL ACCUMULATIONS OF SOLID WASTE AS PROVIDED IN SECTION 24-7(c), TO ADJUST THE RATE SCHEDULE PROVIDED IN SECTION 47-47 FOR GARBAGE AND TRASH COLLECTION AND DISPOSAL SERVICE, TO DELETE SECTION 24-48 PERTAINING TO REFUSE CONTAINER REPLACEMENT AND MAINTENANCE FEES, AND TO REVISE SECTION 24-49 PERTAINING TO PAYMENT IN CONJUNCTION WITH THE RATE SCHEDULE ADJUSTMENT.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Katz, Smith, and Moore. NAYS: Mayor Naugle.

At 9:48 P.M., Commissioner Hutchinson returned to the meeting.

**Amend Chapter 20 –
General Employees Retirement System – Pension Benefits for Employees (O-4)**

An ordinance was presented amending Sections 20-17, 20-109 and 20-110 of the Code of Ordinances respecting the General Employees Retirement System by revising definitional terms, modifying normal retirement date for Group I members, clarifying early retirement as occurring prior to normal retirement, increasing the accrual rate for Group I members, clarifying service retirement for Group II members, providing vesting as applicable to termination of employment on or before normal retirement date, and providing for an effective date. Notice of the proposed ordinance will be published between first and second reading.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-01-40

AN ORDINANCE AMENDING SECTIONS 20-107, 20-109 AND 20-110 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESPECTING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM BY REVISING DEFINITIONAL TERMS; MODIFYING NORMAL RETIREMENT DATE FOR GROUP I MEMBERS; CLARIFYING EARLY RETIREMENT AS OCCURRING PRIOR TO NORMAL RETIREMENT; INCREASING THE ACCRUAL RATE FOR GROUP I MEMBERS; CLARIFYING SERVICE RETIREMENT FOR GROUP II MEMBERS; PROVIDING VESTING AS APPLICABLE TO TERMINATION OF EMPLOYMENT ON OR BEFORE NORMAL RETIREMENT DATE; PROVIDING FOR EFFECTIVE DATES.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Vacate Utility Easements – James Kane, Trustee (DRC Case No. 9-M-01) (R-1)

A resolution was presented authorizing the vacation of the following two utility easements:

Applicant: James Kane, Trustee
Request: Vacate utility easements
Location: 617 S.W. 3 Avenue

Commissioner Hutchinson inquired as to what would be built in connection with this easement vacation. Mr. Chris Barton, Construction Services, understood a marine utility building containing 16,000 square feet of space was planned.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING TWO 10 FOOT UTILITY EASEMENTS IN PARCEL "B", "SNYDER PLAT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 153, PAGE 18, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS THE WEST 10 FEET, TOGETHER WITH THE EAST 10 FEET OF SAID PARCEL "B", LOCATED WEST OF AND ADJACENT TO THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 3RD AVENUE AND EAST OF AND ADJACENT TO THE EAST RIGHT-OF-WAY LINE OF THE 14 FOOT ALLEY RUNNING NORTH TO SOUTH AND LYING BETWEEN SOUTHWEST 3RD AVENUE AND SOUTHWEST 4TH AVENUE; NORTH OF SOUTHWEST 7TH STREET AND SOUTH OF SOUTHWEST 6TH STREET, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Plat Approval – "Whiddon/Ergon Plat II"
(also known as Sovereign IV" – Sunair Electronics Inc. (PZ Case No. 22-P-01) (R-2)

At the Planning and Zoning Board regular meeting on July 18, 2001, it was recommended by a vote of 8-0 that the following application be approved.

Applicant: Sunair Electronics Inc.
Request: Plat approval – "Whiddon/Ergon Plat II"
Location: South of S.W. 28 Street, between S.W. 3 and 4 Avenues

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-145

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA APPROVING A PLAT KNOWN AS "WHIDDON/ERGON PLAT II".

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Amend an Approved Site Plan Level IV/PRD –
Transwestern Beach Place, LLC – Beach Place (PZ Case No. 66-R-01) (R-3)

At the Planning and Zoning Board regular meeting on July 18, 2001, it was recommended by a vote of 7-1 that the following application be approved.

Applicant: Transwestern Beach Place, LLC
Request: Amend an approved site plan level IV/PRD
Location: 17 South Fort Lauderdale Beach Boulevard

Mayor Naugle had questions about the parking garage lights. Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Ron Mastriana, Attorney representing the applicant, stated that Transwestern was the new purchaser of this property, and he was aware of concerns about the parking garage. He said the new owner had worked with the neighborhood and finally resolved the problem, which had been very difficult and expensive process. Mr. Mastriana said the solution had originally been proposed by City staff, and that was to simply screen the lights. He reported that the lights had been screened on a test basis, and it had worked. Mr. Mastriana advised that there were a few lights left to screen, but the problem had just about been cured.

Ms. Eileen Helfer, Vice-President of the Central Beach Alliance, stated that the new owners of this property had been making improvements. She was happy to report that the problem with the garage lights was finally being resolved, and the residents of her condominium no longer had a problem with lights shining into their apartments. In addition, Ms. Helfer had found that 2 other condominiums were satisfied with the improvements, and a third believed its problems would be resolved once the rest of the light screens were installed.

Ms. Helfer said that she had received a letter from Mr. Mastriana indicating that the existing grates were being replaced to minimize noise, and the surface would also be coated and maintained to minimize noise. In addition, the lights were being screened, and she thanked the Commission for its support over the past few assets.

Mayor Naugle understood some of the items in the letter had not yet been completed. Mr. Mastriana stated that most of the outlined work had been done and guaranteed that the rest of the work would be done. He noted that lights from the cars was an issue still being addressed. Mayor Naugle had observed some sort of awnings, and he did not recall those being shown in the original drawings. Mr. Mastriana had not seen the original drawings, but he was pleased with the progress that had been made.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO AN APPROVED SITE PLAN ON PROPERTY LOCATED AT 17 SOUTH FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Street Name Addition –

N.W. 21 Avenue/N.W. 23 Avenue to be also known as Eula Johnson Avenue..... (R-4)

A resolution was presented requesting that the length of N.W. 21 Avenue/N.W. 23 Avenue between N.W. 19 Street and Sunrise Boulevard also be known as Eula Johnson Avenue. (Requested by Commissioner Moore).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE THAT THE LENGTH OF NORTHWEST 21ST AVENUE AND NORTHWEST 23RD AVENUE BETWEEN NORTHWEST NINETEENTH STREET AND SUNRISE BOULEVARD SHALL ALSO BE KNOWN AS "EULA JOHNSON AVENUE".

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Increase Scope of Services –
Troutman Sanders, LLP – Project 9325 – Peele Dixie Wellfield (R-5)**

A resolution was presented authorizing additional services for Troutman Sanders, Special Counsel, for the remediation of the Peele Dixie Wellfield, in an amount not to exceed \$50,000.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION 93-129 AND RESOLUTION 98-81 IN ORDER TO INCREASE THE TOTAL AMOUNT OF FEES AUTHORIZED TO BE PAID TO SPECIAL COUNSEL, TROUTMAN SANDERS, LLP, IN CONNECTION WITH THE PEELE DIXIE WELLFIELD SITE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Demolition of Buildings (R-6)

At its January 20, 2000 and July 19, 2001 meetings, the Unsafe Structures and Housing Appeals Board recommended that the City demolish the following buildings and assess the properties with associated costs.

1. 350 S.W. 27 Avenue (shelter structure over sewage lift station)

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to approve the demolition of the shelter structure over the sewage lift station at 350 Southwest 27th Avenue. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

2. 1709 Davie Boulevard

Ms. Maria Vaca, owner of the subject property, stated that after the Commission meeting on May 1, 2001, her property had been extensively vandalized. It had also been vandalized in June, and it had been red-tagged in July. She stated that every time she did work, her property was vandalized. Therefore, it was her intention to demolish the building herself.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to cause the demolition of the building at 1709 Davie Boulevard if the owner failed to demolish it within 30 days. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

3. 2324 N.W. 6 Place

Ms. Catherine Kidd, owner of the subject property, was confused. She did not feel her property was in poor condition, and she wanted someone to reinspect. Ms. Kidd did not feel the Code Enforcement personnel were fair. She stated that she had remodeled the property with permits in 1991, and she had decided to convert the use from efficiencies to a single-family home due to the expense of required items for the efficiency use. Ms. Kidd believed that if a different Inspector inspected her property, there would be a different result.

Mayor Naugle understood Ms. Kidd's intention was to convert the property to a single-family home. He wondered how much that would cost. Ms. Kidd said there was no telling because she could not seem to please the Code Enforcement personnel. Commissioner Smith wondered if the Building Official could provide an estimate.

Commissioner Moore noted that there were a number of Code violations, and Ms. Kidd felt she had been treated unfairly by Code Enforcement. Commissioner Moore asked if there was an active permit for any of the necessary renovations to address Code violations. The City Manager did not believe permit applications had been submitted, but he suggested that Ms. Kidd work with the Department of Community and Economic Development. It was his understanding that there was no imminent danger of collapse at this point, and there might be some way to salvage the situation, possibly through rehabilitation loans. He suggested a deferral until those possibilities could be further explored.

Commissioner Moore understood the property was currently occupied, and there was open electrical wiring and debris on the site. He wanted to see these situations addressed immediately, although he supported the idea of exploring ways to assist with the major renovations. Mr. John Smith, Building Official, agreed there were open wires near the meter, and that was unsafe, but he did not think the building would collapse immediately. Nevertheless, there were underlying structural problems that exceeded the 33-1/3% rule, so a major renovation would be necessary to meet minimum Code requirements.

Commissioner Moore asked how many occupants there were, and Ms. Kidd replied that there were 4 occupants. He asked her if she could address the immediate electrical problems. Ms. Kidd agreed to do so. Commissioner Hutchinson asked Ms. Kidd if she would prefer to demolish the building herself. Ms. Kidd said she would like to repair it for her daughter. Commissioner Smith noted that it was sometimes less expensive to building a new structure than to renovate an existing structure that was in poor condition. Mr. Smith did not think renovation was feasible. Commissioner Moore did not mind staff exploring the possibilities as long as the unsafe conditions were addressed. Ms. Cecelia Hollar, Construction Services, wanted to make sure the owner understood that this property was zoned RS-8 to only a single-family structure would be permitted.

Motion made by Commissioner Moore and seconded by Commissioner Smith to defer this item to October 2, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

4. 2500 West Broward Boulevard (guard shack)

Mr. Ron Mastriana, Attorney representing the owner of the subject property, requested a 30-day period to complete the permitting process.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to defer this item to October 2, 2001 at 6:00 P.M. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ORDERING THE DEMOLITION OF THE BUILDING OR BUILDINGS UPON EACH PROPERTY LEGALLY DESCRIBED IN THE ATTACHED SCHEDULE "A," BECAUSE OF NON-COMPLIANCE WITH THE SOUTH FLORIDA BUILDING CODE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Lot Clearing and Cleaning Charges (R-7)

A resolution was presented authorizing the imposition of liens against certain properties for costs associated with clearing and removal of debris located thereon.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF CLEARING LOTS FOUND TO HAVE AN UNLAWFUL OR EXCESSIVE ACCUMULATION OF RUBBISH, DEBRIS OR TRASH UNDER CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA AND IMPOSING SPECIAL ASSESSMENT LIENS AGAINST SUCH PROPERTIES FOR THE COST AND EXPENSE INCURRED IN CLEANING AND CLEARING SAME; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Building Board-Up and Securing Charges (R-8)

A resolution was presented authorizing the proper City officials to impose liens against such properties for costs associated with boarding and securing the buildings.

Commissioner Smith asked why the Community Development Corporation (CDC) properties were being boarded. Ms. Lori Milano, Community Inspections Bureau, said that the City had boarded some CDC properties in the past and tried to work closely with that organization. She did not have the particulars of this case with her, but she would explore the issues and provide a report.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CHARGING AND ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF SECURING AND BOARDING UP BUILDINGS LOCATED THEREON WHICH WERE FOUND UNSAFE UNDER SECTION 202 OF THE SOUTH FLORIDA BUILDING CODE AND IMPOSING LIENS AGAINST SUCH PROPERTIES; AUTHORIZING AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD CLAIMS OF LIEN AGAINST THE PROPERTIES IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Executive Airport –
Parcel 15 McCaulay Investments Corporation Lease Amendment (R-9)**

A resolution was presented amending the lease for Parcel 15 to add approximately 6,125 square feet to the leasehold at a rent increase of \$0.18 per square foot; to revise the fuel flowage fee schedule; to remove the provision that prohibits this lessee from fueling aircraft located on the U. S. Customs Ramp; and to remove the provision requiring a fee of one percent (1%) of net receipts of aircraft sales be paid to Executive Airport.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FIFTH AMENDMENT TO LEASE AGREEMENT WITH MACAULAY INVESTMENTS CORPORATION PERTAINING TO PARCEL 15 AT FORT LAUDERDALE AIRPORT, ADDING PROPERTY TO THE LEASEHOLD, UPDATING PROVISIONS PERTAINING TO FUEL FLOWAGE, AND REMOVING AIRCRAFT SALES COMMISSIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Executive Airport –
Assignment of Ben-Air, Inc. Lease Parcel 2A to S & J Enterprises, Inc. (R-10)**

A resolution was presented authorizing the proper City officials to consent to the assignment of lease for Parcel 2A from Ben-Air, Inc. to S & J Enterprises, Inc.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-153

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A CONSENT TO ASSIGNMENT OF A LEASE AGREEMENT WITH BEN-AIR, INC., AS ASSIGNOR AND S & J ENTERPRISES OF FORT LAUDERDALE, INC. AS ASSIGNEE, PERTAINING TO PARCEL 2-A AT FORT LAUDERDALE EXECUTIVE AIRPORT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Executive Airport –
Renewal of Existing Air Traffic Control Tower (ATCT) Lease (R-11)**

A resolution was presented authorizing the proper City officials to execute the updated ATCT lease agreement.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-154

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT AND AN OPERATION AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION PROVIDING FOR THE LEASE AND USE OF PROPERTY AT FORT LAUDERDALE EXECUTIVE AIRPORT FOR AN AIR TRAFFIC CONTROL TOWER.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Transfer of General Fund Contingencies - Lift-Up Davie Boulevard – Group Supporting Annexation into the City of Fort Lauderdale (R-12)

A resolution was presented approving the payment of \$10,000 (\$5,000 from General Fund Contingencies) to Lift-Up Davie Boulevard to inform the unincorporated registered voters of the Riverland and Melrose Park area neighborhoods about the benefits of joining the City of Fort Lauderdale.

Commissioner Katz said she had been having second thoughts about this matter. She stated that a number of issues had been raised that had not been considered when this matter had been presented at a Conference meeting. For example, the City had an informational team that went out to other communities when they were being annexed, but Melrose had no choice. Riverland had a choice, but now that taxes in Dania had gone up so much, it was not much of a choice. She said that another issue was “Lift Up Davie,” and she wondered if that group had experience about educating the public in terms of annexation. Commissioner Katz was concerned about giving \$10,000 to a group. She preferred to use the \$5,000 for each area and use it to provide some type of improvement in the neighborhoods when they were annexed, and she was concerned about the precedent that set for other areas. Commissioner Katz thought staff had done an excellent job of appealing to other communities, and she preferred that route.

Commissioner Hutchinson agreed with Commissioner Katz. She stated that there were some very active citizens in this area who had not been aware of this action, and she did not care for this action at this time.

Commissioner Moore understood the concerns, but he was not concerned about setting precedents because he felt this should be done in every community proposed for annexation. He thought this could be viewed as a trial run, although he had originally been concerned that the \$5,000 would not be going directly to the two neighborhood associations, but they were not yet within Fort Lauderdale. In this case, “Up Lift Davie” was an organization involved with both neighborhoods, and all it would do was promote the positive aspects of being annexed into Fort Lauderdale.

Commissioner Smith agreed with Commissioner Katz. He did not feel this was an appropriate use of these funds. Mayor Naugle did not care for how the back-up memorandum had been worded. He noted that in order to be legal, a vote for or against could not be advocated, and he supported this action because Dania was on the ballot so Fort Lauderdale had to “tell its side.” Mayor Naugle pointed out that if Melrose Park were annexed without the Riverland area, taxes in the remainder of the City would have to be raised to subsidize the losses. Commissioner Hutchinson said she would be more comfortable dealing with the established civic associations in these areas rather than another organization.

Mr. Pete Witschen, Assistant City Manager, explained that staff was trying to develop a model that would work with future annexations, and some were hotly contested. He noted that there were numerous civic associations in the Riverland area, so staff had tried to come up with an “umbrella group” that would represent all of the interests in the community. Commissioner Hutchinson understood the intent, but most of the members of Lift Up Davie were already within the City of Fort Lauderdale.

Commissioner introduced a written resolution entitled:

RESOLUTION NO. 01-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO ANNEXATION PROPOSALS, ADOPTING FINDINGS AND DECLARATIONS, SUPPORTING PROPOSALS FOR ANNEXATION OF TWO UNINCORPORATED AREAS KNOWN AS MELROSE PARK AND GREATER RIVERLAND AREA INTO THE CITY OF FORT LAUDERDALE, ENCOURAGING THE INCORPORATION OF THESE TWO AREAS INTO THE CITY OF FORT LAUDERDALE; SUPPORTING A CAMPAIGN TO EDUCATE VOTERS IN THESE UNINCORPORATED AREAS ABOUT ANNEXATION, AND PROVIDE INFORMATION CONCERNING ANNEXATION OF THESE AREAS INTO THE CITY OF FORT LAUDERDALE TO BE SUBMITTED FOR VOTER APPROVAL AT AN ELECTION; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH LIFT UP DAVIE BLVD., INC. TO PROVIDE EDUCATION REGARDING ANNEXATION TO PERSONS IN THE TWO UNINCORPORATED AREAS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioner Moore and Mayor Naugle. NAYS: Commissioners Hutchinson, Katz, and Smith.

**Amendment to Agreement – Florida Department of
Environmental Protection (DEP) – Earl Lifshey Ocean Access Park (R-13)**

A resolution was presented authorizing the proper City officials to execute an agreement with the Florida DEP for reimbursement of \$100,000 to the City in connection with the Earl Lifshey Ocean Access Park project.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-155

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO PROJECT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, IN CONNECTION WITH THE EARL LIFSHEY OCEAN PARK PROJECT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Grant Application –
Florida Department of Environmental Protection (DEP), Land and Water
Conservation Fund – Renovations for Joseph C. Carter Park (Project 15160) (R-14)**

A resolution was presented authorizing the proper City officials to apply for a grant in the amount of \$150,000 from the Florida DEP, Land and Water Conservation Fund, for renovations at Joseph C. Carter Park. (Also see Item R-15 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-156

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A PROJECT MATCHING GRANT IN THE AMOUNT OF \$150,000.00 UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM FOR RENOVATIONS AT JOSEPH C. CARTER PARK; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PROJECT GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO RECEIVE THIS GRANT FUNDING.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

**Grant Application – Florida Department of
Environmental Protection (DEP), Florida Recreation Development
Assistance Program – Renovations for Joseph C. Carter Park (Project 15160) (R-15)**

A resolution was presented authorizing the proper City officials to apply for a grant in the amount of \$200,000 from the Florida DEP, Florida Recreation Development Assistance Program, for renovations at Joseph C. Carter Park. (Also see Item R-14 on this Agenda).

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A PROJECT MATCHING GRANT IN THE AMOUNT OF \$200,000.00 UNDER THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR RENOVATIONS AT JOSEPH C. CARTER PARK; AND FURTHER AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PROJECT GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO RECEIVE THIS GRANT FUNDING.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Summit Las Olas Project (OB)

Motion made by Commissioner Katz and seconded by Commissioner Moore to review the application filed on behalf of the proposed Summit Las Olas Project based upon failure of the DRC to apply requirements of the ULDR pertaining to providing improvements which were consistent with the crime prevention techniques by environmental design (CPTED).

Commissioner Hutchinson understood that the Police Department had done a proper job and reviewed this according to the crime prevention principles. She opposed the motion. Mayor Naugle asked if this was being presented in a timely fashion in light of the 30-day call-up provision. The City Attorney replied it was, and the hearing itself would have to be held within 60 days. He explained that the Commission needed to find that there had been a failure to apply these techniques this evening in order to call for a hearing.

Ms. Cecelia Hollar, Construction Services Director, stated that the comments from the Police Department pertained to the garages and security measures in stairwells. She had spoken with Detective Nate Jackson about the ground plane design of the project, and he had indicated that lighting and landscaping had also been considered in terms of activity in the area and CPTED principles.

Commissioner Hutchinson felt it was "grasping at straws" to call this project up in an effort to get the developer to put in more retail or do other things that were not contained in the Code. She believed the developer had an opportunity to work through the process.

Commissioner Moore **withdrew his second** based upon the DRC staff comments that CPTED principles were, in fact, reviewed. Commissioner Smith agreed to **second the motion**. He believed Commissioner Katz's intention was to make this project a little better. He referred to the Waverly Project and believed that it had turned out to be a better project "at the end of the day." He did not think the developer had anything to fear, although he expected some adjustments would have to be made, but it would turn out to be a better project due to the attention to detail. Commissioner Smith believed that intense scrutiny resulted in better projects, and he supported Commissioner Katz's efforts to ensure there was some transit in the downtown area with proper pedestrian amenities.

Commissioner Hutchinson pointed out that this project had already been “back to the drawing board” once, and she felt a great job had been done dealing with all of the Commission’s comments.

Commissioner Moore understood there had to be a rational reason to call up this project. He pointed out that the Commission had just been informed that CPTED principles had been addressed during DRC review, so he did not think that was a valid reason for call up. Commissioner Katz pointed out that the Police Department had considered lighting and landscaping, for example, but there were other issues, including there were 180’ to 200’ of nothing for someone to walk past at night to reach the corner of Broward Boulevard and Federal Highway. She did not think that sounded safe, and she wanted to talk about the details with the Police Department because she did not feel those details had been examined as completely as possible.

Commissioner Hutchinson asked Commissioner Katz if she thought it was the job of the Police Department to indicate that more retail uses were necessary so people were not walking past an empty corner. She did not think that was the role of the Police Department in terms of CPTED principles. Commissioner Katz thought it could be, and Mayor Naugle agreed the Police Department could make that type of recommendation. Commissioner Smith believed there were also other issues that might arise at the hearing.

Ms. Courtney Callahan, Attorney representing the applicant, stated that the call-up motion required that the Commission make a finding that there had been a misapplication or a failure to apply a provision of the Code. In this case, she felt the developer had worked within the parameters of the Code. In terms of scrutiny, she noted that this project had gone through the DRC process and, during that time, she had met with each Commissioner to obtain comments. Ms. Callahan pointed out that the project had been subject to a call-up, although it had not been and although the developer had made some modifications.

Ms. Callahan stated that due to “lingering comments” by one or two Commissioners, this developer had done the right thing. She pointed out that the Code did not have requirements as to the amount of retail use in the Regional Activity Center. Therefore, in terms of scrutiny, the developer had done the responsible thing as opposed to the required thing and had addressed Commission comments even though the project had already obtained DRC approval. She noted that the retail uses had been repositioned at the corners, and the developer believed that 4,000 square feet of retail use was the appropriate amount that could be supported by this block. Ms. Callahan did not think there had been any failure of the CPTED issues, yet this developer had tried to address all the concerns that had been raised.

Police Chief Brasfield felt the issues of CPTED had been examined through a consistently applied process. He believed that in any particular development or application, there could be differences of opinion, but he felt CPTED process had been fairly applied in this case. He noted that he could argue that failing retail uses were more of a danger to public safety than little or no retail at all because unkempt areas, as opposed to vibrant situations, presented certain difficulties. The Police Chief was comfortable that the process had worked in this case.

Ms. Callahan presented the site plan and pointed out the retail uses. She stated that the developer had a real concern about “dead retail,” and she was surprised that the goal of pleasing the entire Commission had apparently not been achieved. Ms. Callahan advised that another 500 square feet of retail use could be added at the southeast corner, although that was not a CPTED issue, but there would be problems beyond that with the open air calculations on the garage under the South Florida Building Code.

Mr. Mike Helmasenate said he had been working with the School Board’s staff and the Principal of Fort Lauderdale High School. He stated that the applicant was committed to the monument and upgraded landscaping with benches and pavers, along with some artifacts from the School for display as shown on the plan.

Commissioner Smith noted that efforts were underway to ensure there were mass transit stations in the downtown area. He asked if mass transit had been addressed in this plan. Ms. Callahan replied that the developer had coordinated with the Downtown Development Authority (DDA) on its street improvement program, and Southeast 2nd Street was being designed as the first link in the DDA’s plans, although she did not recall if those plans called for a trolley stop on the north side.

Commissioner Smith supported Commissioner Katz’s request to call up this project because there had been criticism for years because there had been rules in place that removed the City Commission’s role in approving downtown buildings. Although he had been comfortable with this project, it was clear that Commissioner Katz was not, so he supported her motion. Ms. Callahan stated that this developer had done everything possible to appear before the Commission within the parameters of the Code. She did not feel this developer should be punished for with what was contained in the Code, since he had attempted to go above and beyond that which was required.

Ms. Callahan stated that a permit could have been obtained for this project in May, but the developer had wanted to address Commissioner Katz’s desires to adding 4,000 square feet of retail space and raising the entire building. Although it appeared she was not 100% satisfied, the developer had tried to do so and had listened carefully to Commissioner Katz’s comments.

Commissioner Hutchinson said her concern was that if Commissioner Katz had concerns about this project, they should not be addressed through the auspices of CPTED principles. She agreed with Ms. Callahan that all of the Commissioners had been given ample opportunity to provide input, but she felt there should be a legitimate reason to call up a project at this late date. She did not think CPTED was the issue at all.

Commissioner Katz said she’d had several designers look at this, and she did not believe the project was pedestrian-friendly and safe. She had suggested either retail or some other interactive use so pedestrians could feel safe. Although the developer had come back with the idea of additional retail space, Commissioner Katz said she had not limited creativity to that idea alone. She felt there should be greater effort to ensure that people could walk around the area safely.

Commissioner Hutchinson said she did not disagree, but she felt the Code should be followed. If necessary, she felt the Code should be amended to legitimately call up a project. Commissioner Katz agreed, but nothing could be done once this building was constructed. She wanted to take one more chance at trying to get it right. She believed there were issues remaining and wanted to consider it. The Commission agreed to set the hearing for September 20, 2001. Ms. Callahan understood the issue would be whether or not CPTED principles had been properly or improperly applied. Commissioner Katz agreed she wanted to address the safety issues.

Commissioner Hutchinson wondered when the Commission could look to its staff and stop looking to the outside for answers. She pointed out that the Police Chief had already indicated that this had been addressed in accord with CPTED principles and, if the Commission was going to look to outside professionals, they should be hired so the entire Commission could examine these issues.

Roll call on the motion, as seconded by Commissioner Smith, showed: YEAS: Commissioners Katz, Smith, and Mayor Naugle. NAYS: Commissioners Hutchinson and Moore.

Broward Boulevard Streetscape Project (OB)

Motion made by Commissioner Moore and seconded by Commissioner Smith to authorize the proper City officials to enter into the first amendment to the agreement between Broward County and the City for streetscape improvements to Broward Boulevard, from State Road 7 to Northwest 7th Avenue. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Broward County Safe Parks and Land Preservation Bond (OB)

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 01-158

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENCOURAGING THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, THE LAND PRESERVATION ACQUISITION ADVISORY BOARD, AND THE BROWARD COUNTY PARKS AND RECREATION ADVISORY BOARD TO CALCULATE THE ALLOCATION PROCEEDS OF THE SAFE PARKS AND LAND PRESERVATION BOND BASED ON MUNICIPAL TAX BASE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Beach Redevelopment Advisory Board

Carol Hill

Community Services Board

John Hurley

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 01-159

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, Moore, and Mayor Naugle. NAYS: none.

At 11:17 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

Lucy Masliah
City Clerk